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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Fifth Year of the Reign of His Majesty

KING EDWARD VII.,

Being the First Session of the Eleventh Legislature of Ontario

1905

BEGUN AND HOLDEN AT TORONTO ON THE TWENTY-SECOND DAY OF MARCH IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FIVE



12659
15/10/12

HIS HONOUR
WILLIAM MORTIMER CLARK,
LIEUTENANT-GOVERNOR.

TORONTO:
PRINTED AND PUBLISHED BY L. K. CAMERON
Printer to the King's Most Excellent Majesty
1905

PRINCETON THEOLOGICAL SEMINARY



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TABLE OF CONTENTS.

CAP.		PAGE.
1.	An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and five and for other purposes therein mentioned	1
2.	An Act respecting the Consolidated Revenue Fund and the Raising of Loans authorized by the Legislature	6
3.	An Act for raising money on the credit of the Consolidated Revenue Fund of Ontario	11
4.	An Act to amend The Ontario Election Act.	12
5.	An Act to amend The Act respecting the Executive Council	14
6.	An Act to amend The Succession Duty Act	16
7.	An Act respecting the Algoma Land Tax	24
8.	An Act to amend The Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866	26
9.	An Act to amend The Mines Act	28
10.	An Act to amend The Temiskaming and Northern Ontario Railway Act	29
11.	The Agriculture and Arts Amendment Act, 1905	32
12.	An Act to confirm a certain Agreement made between the Commissioners of the Queen Victoria Niagara Falls Park and William Mackenzie, Henry Mill Pellatt and Frederick Nichol dated the 29th day of January, 1903, and the Assignment thereof by the said William Mackenzie, Henry Mill Pellatt and Frederick Nicholls to the Electrical Development Company of Ontario, Limited, dated the 21st day of March, 1903	33
13.	An Act to amend the Statute Law	45
14.	An Act to amend The Surrogate Courts Act	52
15.	An Act to amend The Act respecting Coroners	53
16.	An Act to further amend The Pharmacy Act	54
17.	An Act to amend TheAct respecting Gas and Water Companies	57
18.	An Act to amend The Act to provide for the incorporation of Co-operative Cold Storage Associations	58
19.	An Act to amend The Loan Corporations Act	59
20.	An Act to amend The Act respecting Conveyances to Trustees for Burial Grounds	60
21.	An Act to amend an Act passed in the 63rd year of Her late Majesty's reign chaptered 30, and entitled "An Act respecting Aid by Land Grant to the Algoma Central Railway Company"	61
22.	The Municipal Amendment Act, 1905	62
23.	An Act to amend The Assessment Act	76
24.	An Act to amend The Act respecting the establishment of Municipal Institutions in Territorial Districts	77
25.	An Act to amend The Act to provide for the Incorporation of Towns in Territorial Districts	79
26.	An Act to amend The Public Libraries Act	80
27.	An Act to further amend The Act for the Improvement of Public Highways	81

PAGE

28. An Act to amend The Act to regulate the Speed and operation of Motor Vehicles on Highways - - - - - - - - - 83
29. An Act to amend The Act respecting Circuses and Travelling Shows - 85
30. An Act to amend The Liquor License Act - - - - - 86
31. An Act to amend The Act respecting Brewers' and Distillers' and other Licenses - - - - - - - - - - - 87
32. An Act to amend The Public Health Act - - - - - 89
33. An Act to amend The Ontario Game Protection Act - - - 90
34. An Act to amend The Act respecting Boards of Education in certain cities 92
35. An Act to incorporate the University Residence Trustees - - - 93
36. An Act to amend an Act setting apart certain Wild Lands of the Crown, in addition to those previously set apart for the use of the University of Toronto - - - - - - - - - - - 96
37. An Act respecting the University of Toronto - - - - - 97
38. An Act to amend the Act respecting Institutions for the Education and Instruction of the Deaf, Dumb and Blind - - - - - 101
39. An Act respecting the Town of Amherstburg - - - - - 102
40. An Act to validate the Tax Sales held in the City of Belleville in the years 1898 and 1902, and to validate the Assessment Rolls and Collector's Rolls for the years 1901, 1902, 1903 and 1904. - - - - 111
41. An Act respecting the Town of Bowmanville - - - - - 142
42. An Act respecting the Town of Brampton - - - - - - 152
43. An Act to confirm certain agreements between the Grand Trunk Railway Company and the City of Brantford, and to confirm certain Municipal By-Laws relating thereto, and to confirm a certain By-law relating to the Sewer System of the City of Brantford - - - - - 160
44. An Act to confirm certain By-laws and agreements of the City of Chatham, the Township of Dover and the Township of Chatham - - - 172
45. An Act to confirm By-law No. 490 of the Town of Durham, and a certain agreement entered into between the said Town of Durham and the Durham Furniture Company, Limited - - - - - - 178
46. An Act to confirm By-law No. 677 of the County of Elgin - - - 185
47. An Act respecting the Town of Fort William, 1905 - - - 191
48. An Act respecting certain aid by the Corporation of the Town of Fort William to the Grand Trunk Pacific Railway Company - - - 195
49. An Act to provide for the division of the Township of Front of Yonge and Escott - - - - - - - - - - - 202
50. An Act respecting the Town of Goderich - - - - - - 205
51. An Act respecting the Town of Gravenhurst - - - - - 210
52. An Act respecting the Village of Grimsby - - - - - - 215
53. An Act to confirm By-law No. 201 of the Village of Grimsby, and a certain Agreement made with the Walker Steel Range Company, Limited - 218
54. An Act respecting the City of Hamilton - - - - - - 223
55. An Act respecting the City of Kingston - - - - - - 225
56. An Act respecting the City of London - - - - - - 230
57. An Act to consolidate the Floating Debt of the Town of Meaford - - 247
58. An Act respecting the Town of Midland - - - - - - 251

PAGE

59. An Act to authorize the Village of Morrisburg to acquire water power, to confirm by-laws Nos. 270 and 271 and to consolidate the debt of the said Village - - - - - - - - - - 254
60. An Act respecting the Town of Napanee - - - - - 266
61. An Act respecting the City of Niagara Falls - - - - - - 269
62. An Act respecting the United Counties of Northumberland and Durham and the maintenance of County Bridges therein - - - - - 274
63. An Act respecting the Town of Orillia. - - - - - - 277
64. An Act respecting certain by-laws concerning Drainage in the Townships of Osnabruck and Cornwall in the County of Stormont - - - - 280
65. An Act respecting the City of Ottawa - - - - - - - 327
66. An Act to confirm Certain Alterations in the Point Pelee Marsh Drainage System and to consolidate its Indebtedness - - - - - 345
67. An Act respecting the Town of Peterborough - - - - - 353
68. An Act respecting the Town of Petrolia - - - - - - 364
69. An Act respecting the Town of Port Arthur - - - - - 374
70. An Act respecting the Town of Prescott and The Palmer Piano Company, Limited - - - - - - - - - - - 386
71. An Act to confirm By-law No. 1,664 of the City of St. Catharines - - 392
72. An Act to confirm By-law No. 1,655 of the City of St. Catharines - 395
73. An Act to confirm By-law No. 1,685 of the City of St. Catharines - - 401
74. An Act to confirm By-law No. 1,695 of the City of St. Catharines - 408
75. An Act to confirm By-law No. 1,493 of the City of St. Thomas and for other purposes - - - - - - - - - - 416
76. An Act respecting the Town of Smith's Falls - - - - - 421
77. An Act respecting the Town of Southampton - - - - - 428
78. An Act to confirm By-law No. 11 of the Corporation of the Township of Stamford - - - - - - - - - - 433
79. An Act to confirm By-law No. 1,129 of the City of Stratford, and a Conveyance of certain Lands and other property to the City of Stratford for Park purposes - - - - - - - - - - - 435
80. An Act respecting the Town of Sturgeon Falls - - - - - 445
81. An Act to confirm a By-law of the Township of Tilbury East - - 448
82. An Act respecting the Town of Toronto Junction - - - - 468
83. An Act respecting the City of Toronto - - - - - - - 474
84. An Act respecting the City of Toronto - - - - - - - 481
85. An Act to confirm and validate a By-law of the Trustees of the Roman Catholic Separate Schools of the Town of Wallaceburg - - 491
86. An Act respecting the Town of Whitby - - - - - - 495
87. An Act respecting the City of Windsor - - - - - - 506
88. An Act respecting the Debt of the City of Woodstock - - - 511
89. An Act respecting The Bruce Mines and Algoma Railway Company - 515
90. An Act respecting The Canada Central Railway Company - - - 517
91. An Act respecting The Guelph Radial Railway Company, and to confirm a By-law of the Corporation of the City of Guelph - - - - 522
92. An Act to extend the time for the commencement and completion of The Haliburton, Whitney and Mattawa Railway - - - - - 529

93. An Act to incorporate The Hamilton, Guelph and North Shore Railway Company - - - - - - - - - - - - 531
94. An Act relating to The Irondale, Bancroft and Ottawa Railway Company 553
95. An Act to amend The Act to incorporate The Lake Superior, Long Lake and Albany River Railway Company - - - - - - 555
96. An Act respecting The London, Aylmer and North Shore Electric Railway Company - - - - - - - - - - - 557
97. An Act to incorporate The London, Chatham and Western Railway Company - - - - - - - - - - - - 560
98. An Act respecting The London Street Railway Company - - - - 569
99. An Act to incorporate The Manitoulin and Iron Range Railway Company 595
100. An Act respecting The New Ontario Railway Company - - - 614
101. An Act to incorporate The Niagara, Dunnville and Erie Electric Railway Company - - - - - - - - - - - 616
102. An Act respecting The Ontario Electric Railway Company - - 626
103. An Act to amend The Act to incorporate The Ottawa River Railway Company - - - - - - - - - - 629
104. An Act respecting The Pacific and Atlantic Railway Company - - 631
105. An Act to incorporate The Penetanguishene and Orillia Railway Company - 634
106. An Act to incorporate The Perth and Huron Radial Railway Company - 652
107. An Act respecting The St. Catharines, Pelham and Welland Electric Railway Company - - - - - - - - - - - 675
108. An Act to incorporate The Toronto, Ottawa and French River Railway Company - - - - - - - - - - - 679
109. An Act to incorporate The Western Central Railway Company - - 698
110. An Act respecting The Windsor, Essex and Lake Shore Rapid Railway Company - - - - - - - - - - - 708
111. An Act respecting The Windsor and Tecumseh Electric Railway Company 712
112. An Act respecting The Eastern and Western Land Corporation, Limited - 738
113. An Act respecting The Hermina Mining Company, Limited - - 740
114. An Act to amend the Act incorporating The Industrial Exhibition Association of Toronto - - - - - - - - - - 743
115. An Act respecting The Nepigon Mining Lands Company - - - 747
116. An Act to incorporate The Ontario Telephone Company, Limited - 751
117. An Act to incorporate The United Nickel Company of Canada - - 755
118. An Act respecting the Windsor Gas Company, Limited - - - 759
119. An Act respecting Trinity Church, Cornwall - - - - - 761
120. An Act respecting the Church of England Cemetery in the Town of Ingersoll - - - - - - - - - - - 763
121. An Act to incorporate the Roman Catholic Bishop of the Diocese of Sault Ste. Marie, in Ontario, Canada - - - - - - 766
122. An Act respecting the First Coloured Calvinistic Baptist Church in Toronto - - - - - - - - - - - 771
123. An Act respecting the Hospital and Home for the Friendless in Belleville 776
124. An Act to incorporate the Young Women's Christian Association of London, Ontario - - - - - - - - - - 779
125. An Act to incorporate the Directors of the School Sisters of Notre Dame - 783
126. An Act respecting the Young Men's Christian Association of Orillia - 787

PAGE

127. An Act respecting the Stratford Young Men's Christian Association - 790
128. An Act respecting the Upper Canada Religious Tract and Book Society 793
129. An Act to authorize Horatio C. Crease to practise Dentistry - - 795
130. An Act respecting the Estate of the late William Henry Davis, deceased 797
131. An Act to authorize the Law Society of Upper Canada to admit William Edgar Foster to practise as a Barrister and Solicitor - - - 799
132. An Act to authorize John K. Hamilton to practise as a Veterinary Surgeon 801
133. An Act to authorize James Bovell MacKenzie to practise as a Barrister and Solicitor - - - - - - - - - - 803
134. An Act respecting the Estate of the late the Honourable W. E. Sanford 805

5 EDWARD VII.

CHAPTER 1.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and five and for other purposes therein mentioned.

Assented to 25th May, 1905.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by messages from His Honour William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand nine hundred and five; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

$5,300,954.49 granted out of the Consolidated Revenue Fund for certain purposes.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of five million three hundred thousand nine hundred and fifty-four dollars and forty-nine cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and five as set forth in Schedule "A" to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil service for the month of January, one thousand nine hundred and six as set forth in Schedule "B" to this Act.

Accounts to be laid before the Legislative Assembly.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule "A" of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money under Schedule "A," appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and five, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to His Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

SUMS granted to His Majesty by this Act for the year one thousand nine hundred and five, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Lieutenant-Governor's Office	3,840 00	
Premier and President of Executive Council Department	11,187 67	
Attorney-General's Department	16,510 00	
Education Department	20,300 00	
Crown Lands Department	77,300 00	
Public Works	45,750 00	
Treasury	35,612 33	
Provincial Secretary's Department	24,280 00	
Inspection Public Institutions	23,150 00	
License Branch	9,000 00	
Audit of Justice Accounts	2,350 00	
Registrar-General's Branch	15,450 00	
Provincial Board of Health	15,850 00	
Department of Agriculture	22,200 00	
Factory Inspection	9,450 00	
Insurance Branch	9,300 00	
Neglected Children's Branch	7,350 00	
Miscellaneous	14,450 00	
		363,330 00

LEGISLATION.

To defray expenses of the Legislation	190,450 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	491,946 75

EDUCATION.

To defray expenses of :—

Public and Separate School Education	531,608 06	
High Schools and Collegiate Institutes	145,300 00	
Library and Museum	13,783 33	
School of Practical Science	67,585 00	
Public Libraries, Art Schools, Literary and Scientific	58,000 00	
Technical Education	25,000 00	
Provincial University and Mining Schools	196,032 12	
Maintenance Education Department	10,200 00	
Miscellaneous	5,800 00	
Superannuated Public and High School Teachers	63,300 00	
Institution for Deaf and Dumb, Belleville	50,749 00	
Institution for the Blind, Brantford	34,829 00	
		1,202,186 51

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto	115,406 00	
Asylum for the Insane, London	146,485 00	
Asylum for the Insane, Kingston	92,809 00	
Asylum for the Insane, Hamilton	134,975 00	
Asylum for the Insane, Mimico	83,110 00	
Asylum for the Insane, Brockville	92,369 00	
Asylum for Senile Patients, Cobourg	26,622 00	
Asylum for Idiots, Orillia	76,852 00	
Central Prison, Toronto	68,800 00	
Asylum for Epiliptics, Woodstock	18,020 00	
Penetanguishene Asylum	42,984 00	
Andrew Mercer Reformatory for Women and Refuge for Girls, Toronto	31,995 00	
General Assistant Physician (Relieving Officer) for Asylums	1,000 00	
		931,427 00

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration 29,275 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture 339,543 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities 291,942 19

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

To defray expenses of:

Government House	16,000 00	
Parliament and Departmental Buildings	59,330 00	
		75,330 00

PUBLIC BUILDINGS.

To defray expenses of:

Parliament Buildings	4,000 00

PUBLIC INSTITUTIONS.

To defray expenses of:

Asylum for Insane, Toronto	8,150 00	
do Mimico	9,200 00	
do London	17,650 00	
do Hamilton	12,514 00	
do Kingston	5,361 00	
do Brockville	5,650 00	
do Cobourg	6,900 00	
do Orillia	5,050 00	
do Penetang	8,200 00	
Asylum for Epileptics, Woodstock	89,950 00	
Mercer Reformatory, Toronto	4,880 00	
Central Prison, Toronto	11,450 00	
		184,955 00

EDUCATIONAL.

To defray expenses of:

Normal and Model School, Toronto	7,371 00	
do Ottawa	5,075 00	
do London	2,300 00	
School of Practical Science, Toronto	130,158 75	
Deaf and Dumb, Belleville	5,625 00	
Institute for Blind, Brantford	3,150 00	
Agricultural College, Guelph	40,730 00	
Dairy School, Kingston	2,271 52	
		196,681 27

DISTRICTS.

To defray expenses of:

Muskoka District	500 00	
Parry Sound "	1,250 00	
Nipissing "	5,400 00	
Algoma "	2,535 00	
Thunder Bay "	2,150 00	
Rainy River "	1,100 00	
		12,935 00

To

To defray expenses of:

Osgoode Hall, Toronto		100 00

Total Public Buildings (398,671.27.)

PUBLIC WORKS.

To defray expenses of Public Works		92,611 97

COLONIZATION ROADS AND MINING ROADS.

To defray expenses of Construction and Repairs		175,100 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands		321,125 00

REFUNDS.

To defray expenses of:

Education	1,000 00	
Crown Lands	37,287 10	
Municipalities Fund	364 98	
Land Improvement Fund	1,763 72	
Miscellaneous	500 00	40,915 80

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure		227,100 00

UNFORESEEN AND UNPROVIDED.

To defray Unforeseen and Unprovided Expenses		50,000 00
Total estimates for expenditure of 1905.		$5,220,954 49

SCHEDULE B.

SUM granted to His Majesty by this Act for the year one thousand, nine hundred and five and the purposes for which it is granted.		
To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1906	80,000 00	
Total	5,300,954 49	

CHAPTER

CHAPTER 2.

An Act respecting the Consolidated Revenue Fund and the Raising of Loans authorized by the Legislature.

Assented to 12th May, 1905.

Preamble.

WHEREAS it is expedient to make provision respecting the public debt, and the raising of loans authorized by the Legislature, so as to avoid the necessity of inserting any such provisions in the Acts authorizing loans;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lieutenant-Governor in Council may create a Permanent Provincial Stock.

1.—(1) The Lieutenant-Governor in Council may create a permanent provincial stock, which shall be known as the "Ontario Government Stock," and shall be personal property, and the said stock, and the interest thereon, shall be chargeable upon and payable out of the Consolidated Revenue Fund of Ontario.

Stock not to be paid-off before 1st July, 1935.

(2) The said stock shall not be paid off in less than thirty years from the first day of July, one thousand nine hundred and five, but may be paid off at or after that date, at the option of the Government, provided six months' previous notice has been given to that effect.

Lieutenant-Governor in Council to make regulations as to the debt and payment of interest.

2. The Lieutenant-Governor in Council may from time to time make such regulations as he deems necessary for the management of the public debt of Ontario, and the payment of the interest thereon, and may, subject to the provisions of the next following section, provide for the creation and management of a sinking fund, or other means of securing the repayment of any loans raised under the authority of the Legislature; and may appoint one

one or more fiscal agents of Ontario in the City of London, England, or elsewhere, and agree with them as to the rate of compensation to be allowed them for negotiating loans, and for paying the interest of the said debt, and may pay the sums necessary to provide such sinking fund, or other means as aforesaid, and such compensation out of the Consolidated Revenue Fund of Ontario. Fiscal agents, etc.

3.—(1) Whenever in any Act passed in any former session, or in the present or any future session of the Legislature of Ontario, authority is given to the Lieutenant-Governor in Council to raise, by way of loan, any sum of money, then, unless there be some provision to the contrary in the Act by which such authority as aforesaid is given, such sum shall, in the discretion of the Lieutenant-Governor in Council, be raised in one of the following ways, or partly in one and partly in another or others thereof, that is to say: How loans, etc., authorized by Legislature, may be raised.

(*a*) By the issue and sale of debentures of Ontario, which shall be in such form, for such separate sums, and at such rate of interest not exceeding four per centum per annum, and the principal and interest whereof shall be made payable at such periods and places as the Lieutenant-Governor in Council deems most expedient, and subject to such regulations as he sees fit to make, and such principal and interest shall be chargeable on and payable out of the Consolidated Revenue Fund of Ontario. By issue of debentures.

(*b*) By the issue and sale of "Ontario Government Stock," bearing such rate of interest not exceeding four per cent. per annum, as is deemed most advisable, payable half-yearly, and the principal and interest whereof shall be chargeable on and payable out of the Consolidated Revenue Fund of Ontario; such stock not to be redeemable until the time fixed by this Act and the regulations hereinafter mentioned, but at and after such time to be redeemable at the option of the Lieutenant-Governor in Council on giving six months' notice of such redemption, and to be subject to such regulations as to the inscription, transfer, management and redemption thereof as the Lieutenant-Governor in Council may see fit to make. By issue of Ontario Government stock.

(*c*) On authorizing the issue of debentures or stock, under either paragraphs (*a*) or (*b*) next preceding, the Lieutenant-Governor in Council may provide for a special sinking fund with respect to such issue, and may at any time provide for a general sinking fund for all such portions Lieutenant-Governor in Council may provide a sinking fund, general or special.

tions of the debentures or stock of Ontario as have been or are hereafter issued without provision for a sinking fund with respect to them; provided that the amount to be invested out of the Consolidated Revenue Fund of Ontario in any such sinking fund shall not exceed one-half of one per cent. per annum on the amount of the debentures or stock to which it relates.

Proviso.

By grant of terminable annuities.

(*d*) By the granting of terminable annuities chargeable on and payable out of the Consolidated Revenue Fund of Ontario, such annuities being granted on terms, in accordance with the most approved English tables, and based on a rate of interest not exceeding four per cent. per annum, and subject to such regulations as the Lieutenant-Governor in Council sees fit to make.

By issue of exchequer bills, or bonds, or treasury bills.

(*e*) By the issue and sale from time to time of exchequer bills, exchequer bonds or treasury bills, in sums of not less than four hundred dollars each, in such form and bearing such rate of interest not exceeding four per cent. per annum, and redeemable at such periods and places as the Lieutenant-Governor in Council deems most advisable, and subject to such regulations as he sees fit to make, and the principal and interest thereof shall be chargeable on and payable out of the Consolidated Revenue Fund of Ontario.

Securities payable in any currency.

(2) Any of the aforesaid securities may be payable in pounds, dollars or francs, or in any other currency, or partly in one way or partly in two or more ways, as the Lieutenant-Governor in Council may direct.

Register in U. K. for inscribed stock of Ontario.

4. The Lieutenant-Governor in Council may from time to time direct that the whole or any portion of the stock of the Province of Ontario issued or inscribed, and forming the whole or part of the public debt of Ontario, be inscribed and transferred in a register kept in the United Kingdom, at such place, and by such bank, colonial officer or person as he from time to time appoints.

Lieutenant-Governor in Council to have such stock recorded.

5. The Lieutenant-Governor in Council is hereby authorized to make any declaration, and take any steps necessary to record such inscribed stock, or any portion thereof, under and in accordance with the provisions of the Imperial Acts, known as the Colonial Stock Acts of 1877 to 1900, or any Act or Acts hereafter passed rescinding, altering or adding to the same.

6.

Payment, etc., authorized.

6. The Treasurer of the Province of Ontario may, out of the Consolidated Revenue Fund of Ontario, pay, satisfy and discharge any judgment, decree, rule or order of the Court in England, which, under the provisions of section twenty of *The Colonial Stock Act, 1877*, or any amendments thereto, is to be complied with by the Registrar of the inscribed stock of Ontario in England.

Lieutenant-Governor in Council may change the form of debt, and on what conditions.

7. The Lieutenant-Governor in Council may from time to time, as the interests of the public service require, change the form of any part of the then existing debt of Ontario by substituting one class of the securities aforesaid for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except in any case in which securities bearing a lower rate of interest are substituted for securities bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the security bearing a higher interest and that of the security bearing the lower interest substituted for it; but no such substitution shall be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of the one class of securities and the purchase of those for which it is desired to substitute them.

Certain regulations made by Lieutenant-Governor in Council to have force of law.

8. The regulations made or to be made by the Lieutenant-Governor in Council under this or any other Act shall, in so far as they are not inconsistent with the Act under which they are made, have the same force and effect as if embodied and enacted in an Act of the Legislature of Ontario, and no officer of the Government of Ontario employed in the inscription, transfer, management or redemption of any of the aforesaid securities, or in the payment of any dividend or interest thereon, shall be bound to see to the execution of any trust, expressed or implied, to which such stock or securities are subject, or shall be liable in any way to any person for anything by him done as such officer in accordance with any such regulation as aforesaid.

Officers not bound to see to trusts.

Money raised to form part of Con. Rev. Fund.

9. All money raised by the issue and sale of any of the aforesaid securities shall be paid into the treasury of the Province of Ontario, and form part of the Consolidated Revenue Fund of Ontario.

10.

Debt not to be increased except as herein provided.

10. Nothing in this Act shall be construed to authorize any increase of the public debt without the express authority of the Legislature, except in the manner and to the extent hereinbefore mentioned in case of the substitution of securities, as provided in section 7 of this Act, and except, also, as provided in section 14 of chapter 23 of the Revised Statutes of Ontario, 1897.

CHAPTER

CHAPTER 3.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

Assented to 12th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loan of $7,000,000 authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding seven million dollars for any or all of the purposes following, that is to say: for the public service; for works carried on by commissioners on behalf of the Province; for redemption of treasury bills issued by the Province; for covering any debt of the Province on open account; for paying any floating indebtedness of the Province; and for the carrying on of the public works authorized by the Legislature.

Term not to exceed 40 years.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

CHAPTER

CHAPTER 4.

An Act to amend The Ontario Election Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 9, s. 97, para. 11, amended.

1. The paragraph numbered 11 in section 97 of *The Ontario Election Act* is amended by striking out the words "who shall write or otherwise mark upon the counterfoil the number prefixed to the name of such person upon the voters list in the poll book" in the second, third and fourth lines of the said paragraph.

Rev. Stat., c. 9, s. 106, para. 2, amended.

2. The paragraph numbered 2 in section 106 of the said Act is amended by striking out the words "and number" in the seventh line thereof.

Rev. Stat., c. 9, s. 107, amended.

3. Section 107 of the said Act is amended by striking out the words "and number" in the fourteenth line and the words "and his number on the list of voters aforesaid" in lines eighteen and nineteen of the said section.

Rev. Stat., c. 9, s. 143, amended.

4. Section 143 of the said Act is amended by striking out all the words therein after the words "endorsement; and" in the tenth line down to and including the words "counterfoil; or" in the eighteenth line of the said section.

Rev. Stat., c. 9, s. 155, subs. 1, amended.

5.—(1) Subsection 1 of section 155 of the said Act is amended by striking out all the words therein after the word "place" in the third line thereof.

Rev. Stat., c. 9, s. 155, subs. 3, amended.

(2) Subsection 3 of the said section is amended by striking out all the words therein after the word "paper" in the seventh line thereof.

Rev. Stat., c. 9, s. 193, subs. 1, amended.

6. Subsection 1 of section 193 of the said Act as enacted by section 3 of the Act passed in the Fourth year of His Majesty's reign chaptered 3 is amended by striking out all the words therein after the word "election" in the third line down to and including the word "Act" in the sixth line, and by

by striking out all the words after the word "Act" in the eighth line thereof.

7. Form 6 in Schedule A to *The Ontario Election Act* is amended by striking out the words "number prefixed" occurring in the first column and by striking out the note at the foot of the said Form. Rev. Stat., c. 9, Shed. A, form 6 amended.

8. Section 86 of the said Act is hereby repealed. Rev. Stat. c. 9 s. 86 repealed.

CHAPTER

CHAPTER 5.

An Act to amend the Act respecting the Executive Council.

Assented to 25th May, 1905.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows: —

Rev. Stat. c. 14, s. 2 amended.

1. Section 2 of *The Act respecting the Executive Council* is amended by striking out the words "Commissioner of Crown Lands" in the 6th line of the said section and inserting in lieu thereof the words "Minister of Lands and Mines" and by striking out the words "Commissioner of Public Works" in the 7th line of the said section and inserting in lieu thereof the words "Minister of Public Works."

Minister of Lands and Mines substituted for Commissioner of Crown Lands in Acts of Legislature.

2. The words "Minister of Lands and Mines" and the word "Minister" are substituted for the words "Commissioner of Crown Lands" and "Commissioner" respectively wherever the same occur in any Act of the Province of Ontario referring to the Commissioner of Crown Lands, and the words "Deputy Minister of Lands and Mines" and "Deputy Minister" are substituted for the words "Assistant Commissioner of Crown Lands" and "Assistant Commissioner" respectively wherever the same occur in any such Act referring to the Assistant Commissioner of Crown Lands.

Minister of Public Works substituted for Commissioner of Public Works in Acts of Legislature.

3. The words "Minister of Public Works" and the word "Minister" are substituted for the words "Commissioner of Public Works" and "Commissioner" respectively wherever the same occur in any Act of the Province of Ontario referring to the Commissioner of Public Works; and the words "Deputy Minister of Public Works" and "Deputy Minister" are substituted for the words "Assistant Commissioner of Public Works" and "Assistant Commissioner" whenever the same are used in any such Act referring to the Assistant Commissioner of Public Works.

4. Section 2 of *The Act Respecting the Executive Council* is amended by adding thereto the following subsection:— Rev. Stat., c. 14, s. 2, amended.

(2) In addition to the officers mentioned in the preceding subsection the Lieutenant-Governor may also appoint a member of the Executive Council to hold office and be designated the "President of the Council," and any powers and duties may be assigned to the said officer, as provided in section 3 of this Act. Any officer holding one of the offices in the preceding subsection mentioned, who resigns his office, and within one month after such resignation accepts the said office of "President of the Council" shall not thereby vacate his seat in the Legislature. Provision for office of President of the Council. Minister accepting office of President not to vacate his seat.

CHAPTER

CHAPTER 6.

An Act to amend The Succession Duty Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Succession Duty Amendment Act, 1905.*

"Principal Act" means Rev. Stat. c. 24.

2. In this Act the words "The principal Act" mean "*The Succession Duty Act*," Chapter 24, of the Revised Statutes of Ontario, 1897, as the said Chapter stood amended before the passing of this Act.

Rev. Stat. c. 24, s. 2, amended.

3. Section 2 of the principal Act as amended by section 3 of the Act passed in the first year of His Majesty's reign, Chaptered 8, is repealed and the following substituted therefor:

Meaning of property

2 (1) (*a*) The word "property" in this Act includes real and personal property of every description and every estate or interest therein capable of being devised or bequeathed by will, or of passing on the death of the owner to his heirs or personal representatives.

"Child."

(*b*) The word "child" within the meaning of this Act shall be deemed to include any lawful child of the deceased, or any lineal descendant of such child or any person or persons adopted before the age of twelve years by the deceased as his child or children, or any infant to whom the deceased for not less than ten years immediately prior to his death stood in the acknowledged relationship of a parent, or any lineal descendant of such adopted child or infant as aforesaid born in lawful wedlock.

'Aggregate value.'

(2) The phrase "aggregate value" means the value of the property after the debts, encumbrances, or other allowances authorized

authorized by subsection 4 of this section are deducted therefrom and shall include property situate outside the Province as well as property situate within the Province.

(3) "Dutiable value" means the value of the property after the debts, encumbrances or other allowances or exemptions authorized by this Act are deducted therefrom. "Dutiable value."

(4) In determining the dutiable value of any property of a deceased person for purposes of the payment of succession duty hereunder, the value shall be taken as at the date of the death of the deceased, and allowance shall be made for reasonable funeral expenses and for his debts and encumbrances; and any debt or encumbrance for which an allowance is made shall be deducted from the value of the land or other subjects of property; but an allowance shall not be made; Allowing for debts in computing dutiable value of estate

(a) For debts incurred by the deceased, or encumbrances created by a disposition made by the deceased, unless such debts or encumbrances were incurred or created bona fide for full consideration in money or money's worth wholly for the deceased's own use and benefit, and take effect out of his interest; nor

(b) For any debt in respect whereof there is a right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained; nor

(c) More than once for the same debt or encumbrance charged upon different portions of the estate; nor

(d) Shall any allowance or reduction be made for the expense of administration of the estate (except surrogate fees) or the execution of any trust created by the will of a testator.

4. Section 3 of the Act passed in the first year of His Majesty's reign, chaptered 8, is repealed. 1 Edw. VII., c. 8, s. 3 repealed.

5. Section 12 of the Act passed at the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 9, is repealed. 62 V. (2) c. 9, s. 12, repealed.

6. Section 3 of the prinicipal Act as amended by section 4 of the said Act passed in the 1st year of His Majesty's reign chaptered 8, is repealed and the following substituted therefor: Rev. Stat. c. 24, s. 3; 1 Edw. VII., c. 8, s. 4, repealed.

3. No duty shall be leviable: Exemptions,

(1) On any estate the aggregate value of which does not exceed $10,000. Estates not exceeding $10,000.

Property given to charities, etc.

(2) On property devised or bequeathed for religious, charitable or educational purposes to be carried on by a corporation or person domiciled within the Province of Ontario.

Property passing to certain persons not exceeding $50,000.

(3) On property passing under a will, intestacy or otherwise to or for the use of a father, mother, husband, wife, child, daughter-in-law, or son-in-law of the deceased where the aggregate value of the property, as defined by this Act passing to the persons mentioned in this subsection does not exceed $50,000.

1 Edw. VII., c. 8, s. 6, subs. 4 repealed.

7. Subsection 4 of section 6, of the Act passed in the 1st year of His Majesty's reign chaptered 8, is repealed.

Rev. Stat., c. 24, s. 4; 62 V. (2) c. 9, s. 11; 1 Edw. VII., c. 8, ss. 4, 6; 2 Edw. VII., c. 12, s. 6 repealed.

8. Section 4 of the principal Act as amended by Section 11 of the said Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 9, Sections 4 and 6 of the said Act passed in the 1st year of His Majesty's reign, Chaptered 8, and Section 6 of the Act passed in the 2nd year of His Majesty's reign, Chaptered 12, are repealed, and the following substituted therefor.

Property liable to duty.

4–(1). Save as aforesaid the following property shall be subject to a succession duty as hereinafter provided, to be paid for the use of the Province over and above the fees payable under the Surrogate Courts Act.

Property situate in Province and moveable property of person domiciled here.

(*a*) All property situate within this Province, and any interest therein or income therefrom, whether the deceased person owning or entitled thereto was domiciled in Ontario at the time of his death or was domiciled elsewhere, and all movable or personal property locally situate out of this Province and any interest therein where the owner was domiciled in this Province at the time of his death whether such property passes by will or intestacy;

Property voluntarily transferred in contemplation of death, etc.

(*b*) All property situate as aforesaid or any interest therein or income therefrom, which shall be voluntarily transferred by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, bargainor, vendor or donor, or made or intended to take effect, in possession or enjoyment after such death, to any person in trust or otherwise, or by reason whereof any person shall become beneficially entitled in possession or expectancy to any property, or the income thereof;

Donationes mortis causa etc.

(*c*) Any property taken as a *donatio mortis causa* made by any person dying on or after the 7th day of April, 1896, or taken under a disposition made by any person so dying, purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust, or otherwise

wise, which shall not have been bona fide made twelve months before the death of the deceased, including property taken under any gift, whenever made, of which property bona fide possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise.

(*d*) Any property which a person dying on or after the 7th day of April, 1896, having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself, and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone, or in concert, or by arrangement with any other person; Property vested jointly with interest to survivor.

(*e*) Any property passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, made by any person dying on or after the 7th day of April, 1896, by deed or other instrument not taking effect as a will, whereby an interest in such property or the proceeds of sale thereof for life, or any other period, determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself, the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof; Property passing under settlement, etc.

(*f*). Any annuity or other interest purchased or provided by any person dying on or after the 7th day of April, 1896, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased. Annuities.

(*g*). Any property of which a person dying after the 1st day of April, 1899, was at the time of his death competent to dispose; and a person shall be deemed Property over which decedent had power of disposal.

deemed competent to dispose of property if he has such an estate or interest therein or such general or limited power as would if he were *sui juris* enable him to dispose of the property as he thinks fit or to dispose of the same for the benefit of his children or some of them, whether the power is exercisable by instrument *inter vivos* or by will or both, including the power exercisable by a tenant in tail whether in possession or not but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether the concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose.

Dower and courtesy.

(*h*). Any estate in dower or by the courtesy in any land of the person so dying to which the wife or husband of the deceased becomes entitled on the decease of such person.

Particular description not to restrict general words.

(2) The descriptions of property in clauses (*c*) (*d*) (*e*) (*f*) (*g*) and (*h*) shall not be construed to restrict the generality of the descriptions contained in clauses (*a*) and (*b*).

Scale of duty where property passes to father, mother, child, etc.

(3) Where the aggregate value of the property of the deceased exceeds $50,000, and passes in manner aforesaid, either in whole or in part, to or for the benefit of the father, mother, husband, wife, child, son-in-law, or daughter-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty at the rate and on the scale as follows:

(*a*) Where the said aggregate value exceeds $50,000 and does not exceed $75,000, 1 per cent.

(*b*) Exceeds $75,000 and does not exceed $100,000, 2 per cent.

(*c*) Exceeds $100,000 and does not exceed $150,000, 3 per cent.

(*d*) Exceeds $150,000 and does not exceed $200,000, 4 per cent.

(*e*) Exceeds $200,000, 5 per cent.

Additional duty where share of any person exceeds $100,000.

(4) Provided that where the value of any dutiable property as determined by the provisions of subsection 4 of section 2 of this Act exceeds $100,000, and the amount passing in manner aforesaid to any one person mentioned in the next preceding subsection exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount

amount so passing in addition to the rates in the next preceding subsection mentioned as follows:

(a) Where the whole amount so passing to one person exceeds $100,000 and does not exceed $200,000, 1 per cent.

(b) Exceeds $200,000 and does not exceed $400,000, 1½ per cent.

(c) Exceeds $400,000 and does not exceed $600,000, 2 per cent.

(d) Exceeds $600,000 and does not exceed $800,000, 2½ per cent.

(e) Exceeds $800,000, 3 per cent.

Rate of duty where property passes to grand parents, brothers, sisters, etc.

(5) Where the aggregate value of the property of the deceased exceeds $10,000 so much thereof as passes to or for the benefit of the grandfather or grandmother or any other lineal ancestor of the deceased, except the father and mother, or to any brother or sister of the deceased, or to any descendant of such brother or sister or to a brother or sister of the father or mother of the deceased or to any descendant of such last mentioned brother or sister, shall be subject to a duty of $5 for every $100 of the value.

Additional duty where more than $50,000 passes to any person.

(6) Provided that where the value of any dutiable property as determined by the provisions of subsection 4 of section 2 of this Act exceeds $50,000, and the amount passing in manner aforesaid to any one person mentioned in the next preceding subsection, except the father and mother, exceeds the amount hereinafter mentioned a further duty shall be paid on the amount so passing, in addition to the duty in the next preceding subsection mentioned as follows:

(a) Where the whole amount so passing to one person exceeds $50,000, and does not exceed $100,000, 1 per cent;

(b) Exceeds $100,000 and does not exceed $150,000, 1½ per cent.;

(c) Exceeds $150,000 and does not exceed $200,000, 2 per cent.;

(d) Exceeds $200,000 and does not exceed $250,000, 2½ per cent.;

(e) Exceeds $250,000 and does not exceed $300,000, 3 per cent.;

(f) Exceeds 300,000 and does not exceed $350,000, 3½ per cent.;

(g)

(*g*) Exceeds $350,000 and does not exceed $400,000, 4 per cent;

(*h*) Exceeds $400,000 and does not exceed $450,000, 4½ per cent.;

(*i*) Exceeds $450,000, 5 per cent.

Rate where property passes to other persons.

(7) Where the aggregate value of the property of the deceased exceeds $10,000 and any part thereof passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above described, or to or for the benefit of any stranger in blood to the deceased save as is hereinbefore provided for, the same shall be subject to a duty of $10 for every $100 of the value.

Exemption of legacy, etc., up to $200.

(8) Provided that where the whole value of any property devised, bequeathed or passing to any one person under a will or intestacy does not exceed $200, the same shall be exempt from payment of the duty imposed by this section.

Property brought into province for distribution

(9) (*a*) Provided that any portion of the estate of any deceased person, who at the time of his death was domiciled in this Province, which is brought into this Province by the executors or administrators of the estate to be administered or distributed in this Province shall be liable to the duty hereinbefore imposed; but if any estate, succession or legacy duty or tax has been paid upon such property elsewhere than in Ontario and such duty or tax is equal to or greater than the duty payable on property in this Province, no duty shall be payable thereon; and if the duty or tax so paid elsewhere is less than the duty payable on property in this Province, then the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding subsections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Ontario and the duty or tax so paid elsewhere.

(*b*) Provided further that where any moveable or personal property locally situate outside of the Province or any interest therein as aforesaid shall have paid any estate, succession or legacy duty or tax elsewhere than in Ontario a like allowance for the amount so paid as in the next preceding clause mentioned shall be made by this Province, and the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding subsections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Ontario and the duty or tax so paid elsewhere.

(*c*)

(*c*) Provided further that allowance for any estate, succession or legacy duty or tax payable elsewhere than in the Province of Ontario shall be made under this subsection only as to any country, state or British province or possession where an allowance is made for the succession duty paid under this Act on property situate in this Province passing on the death of any person domiciled in any such country, state or British province or possession, and the Lieutenant-Governor in Council, by Order-in-Council, shall have extended the provisions of this subsection as to such allowance by the Province of Ontario so as to apply to such country, state or British province or possession.

(*d*) The Lieutenant-Governor may, by order-in-council revoke any such order, where it appears that the law of any such country, state, British province or possession has been so altered that it would not authorize the making of an order hereunder.

Liability for attempting to evade duty.

(10) In case an executor or administrator shall in order to escape payment of succession duty, imposed by this Act, distribute any part of the said estate without bringing the same into this Province, such executor or administrator shall be liable personally to pay to His Majesty the amount of the duty which would have been payable had the assets so distributed been brought within this Province. Provided that this subsection shall not apply to payments made to persons domiciled without the Province out of assets situate without the Province.

Property transferred for bona fide consideration.

(11) Nothing herein contained shall render liable for duty any property bona fide transferred for a consideration that is of a value substantially equivalent to the property transferred.

Rev. Stat., c. 24, s. 20, repealed.

9. Section 20 of the principal Act is repealed, but this section shall not be deemed to revive any right of action by or against any person which had become barred prior to the passing hereof.

62 V. (2), c. 9, s. 11; 1 Edw. VII, c. 9, ss. 4, 6; 2 Edw. VII, c. 12, s. 6, repealed.

10. Section 11 of the said Act, passed in the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 9 and sections 4 and 6 of the Act passed in the 1st year of His Majesty's reign, Chaptered 8, and section 6 of the Act passed in the 2nd year of His Majesty's reign, Chaptered 12, are repealed.

CHAPTER

CHAPTER 7.

An Act respecting the Algoma Land Tax.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII. c. 2, s. 2, subs. 1 amended.

1. Subsection 1 of section 2 of *The Algoma Land Tax Amendment Act, 1903*, as amended by section 72 of *The Statute Law Amendment Act, 1904*, is amended by striking out the figures "1904" in the 7th line and substituting therefor the figures "1905."

3 Edw. VII. c. 2, s. 2, subs. 1 amended.

2. The said subsection is further amended by striking out all the words therein after the word "Municipality" in the 23rd line and inserting in lieu thereof the words following "Provided further that upon receipt of the affidavit of the occupant of any such lot or parcel and of two other persons having no interest in such lot or parcel, and the certificate of a Justice of the Peace or of the agent of the Crown Lands Department of the Province of Ontario for the district or portion of a district in which such lot or parcel is situate, that any such lot or parcel is in actual occupation as farming land, the Treasurer of the Province is authorized to remit and cancel the whole of the arrears of taxes then payable or due on the said lands."

3 Edw. VII. c. 2, s. 2, subs. 2 amended.

3. Sub-section 2 of section 2 of *The Algoma Land Tax Amendment Act, 1903*, is amended by striking out the words "certificate of the sheriff of the District" in the 4th and 5th lines of the said sub-section and inserting in lieu thereof the words "affidavits and certificate."

4. *The Algoma Land Tax Amendment Act, 1903*, is further amended by inserting therein the following section 6*a*:—

Treasurer may remit interest on arrears if arrears paid by Jany. 1st, 1906.

6*a*. The Treasurer may, in and by the notices to be published under section 4 of this Act, give notice that in the case of any lot or parcel the arrears of taxes upon which

shall be paid before the 1st day of January, 1906, the interest payable thereon under Chapter 26 of The Revised Statutes of Ontario, 1897, as amended by this Act will be remitted, and the Treasurer is authorized to receive the amount of such arrears exclusive of any interest or penalty thereon at any time before the said date in full discharge of the arrears against any lot or parcel liable to the said tax.

Short Title. 5. This Act may be cited as *The Algoma Land Tax Amendment Act, 1905.*

CHAPTER

CHAPTER 8.

An Act to amend the Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa, and the Volunteer Militia who served on the frontier in 1866.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII., c. 6, s. 3 amended.

Time within which claims to be filed.

1. Section 3, of the Act passed in the 1st year of His Majesty's reign, intituled *An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa, and the Volunteer Militia who served on the frontier in 1866*, as amended by section 7 of Chapter 3 of the Acts passed in the 3rd year, and by Chapter 6 of the Acts passed in the 4th year of His Majesty's reign is amended by striking out the word and figures "July, 1904," at the end of the said section, and inserting in lieu thereof the word and figures "January, 1906.".

1 Edw. VII., c. 6, s. 6 amended.

2. Section 6 of the said Act passed in the first year of His Majesty's reign is amended by adding the following sub-sections thereto:—

When power of attorney to act as an assignment of rights of locatee.

(*a*) A power of attorney given by any locatee or his heirs, executors or administrators, whether expressed to be irrevocable or not, and whether purporting to affect the whole or any part of the land, or the timber thereon only, shall be filed in the Department of Crown Lands immediately after execution, and shall have the same effect as an absolute assignment so far as settlement duties and taxation are concerned, unless accompanied by affidavits of both parties thereto that such power of attorney was given in good faith for the sole purpose of empowering the attorney to sell the property referred to in such power of attorney for the benefit of the locatee, his heirs, executors or administrators, and not directly or indirectly for the benefit of the attorney or anyone other than the locatee.

(b)

(*b*) The non-filing of such power of attorney, with the affidavits aforesaid, shall make the attorney and his interest in the lands liable for said settlement duties and taxation, but shall not affect the interest of the locatee, his heirs, executors or administrators. Effect of not filing power of attorney.

(*c*) Any such power of attorney heretofore given shall be within two months after the enactment of this subsection (or such further times as the Minister of Lands and Mines shall direct in such cases as he may deem expedient), filed by the attorney as aforesaid with the affidavits of the attorney, in default whereof the lands affected by such power shall be liable to performance of settlement duties and to taxation as aforesaid. When powers of attorney heretofore given to be filed.

3. An agreement for sale by any locatee under this Act shall have the same effect so far as settlement duties and taxation are concerned as a transfer referred to in section 6 of the said Act passed in the 1st year of His Majesty's reign. Agreement for sale, effect of.

4. Any agreement for sale by any locatee shall be filed with the Department of Lands and Mines within two months after execution or within such further time as the Minister of Lands and Mines may deem expedient and in default of such filing within the time aforesaid shall be null and of no effect as between the purchaser and the Crown. Agreement for sale, filing of.

5. Certificates issued under the said Act may be accepted by the Department of Lands and Mines as Land Scrip at their face value of 50 cents per acre in payment for Crown Lands without regard to the restrictions contained in section 8 of the said Act or any amendment thereto. Certificates, acceptance as land scrip.

6. Volunteers who duly applied to the Department of Crown Lands under the said Act passed in the 1st year of His Majesty's reign for lands in the Townships of Hislop, Bowman, Beatty, Carr and Taylor prior to the 12th day of December, 1904, shall be entitled to receive their locations, notwithstanding the Order in Council passed on the 4th day of February, 1905, respecting a certain agreement expressed to be made between His Majesty and the Ontario Veterans Land Company, Limited, and notwithstanding anything contained in the said agreement. Applicants for lands in townships set apart for Ontario Veterans' Land Co.

CHAPTER

CHAPTER 9.

An Act to amend The Mines Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 36, s. 31 amended.

1. Section 31 of *The Mines Act* is amended by adding thereto the following sub-section:

Lands not to be sold for mining in forest reserves.

(4). No land shall be sold for mining purposes in any Forest Reserve.

Rev. Stat., c. 36, s. 38, repealed.

2. Section 38 of the said Act is repealed.

Rev. Stat. c. 36, s. 35, subs. 5, amended.

3. Sub-section 5 of section 35 of the said Act as enacted by section 8 of the Act passed at the 2nd session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 10, is amended by adding thereto the following:

Proviso as to leases in forest reserves.

Provided this clause shall not apply to lands hereafter leased for mining purposes in any Forest Reserve, but the lease of such lands may be renewed for ten year periods from time to time at the rent proper to such lands under the Act.

CHAPTER 10.

An Act to amend the Temiskaming and Northern Ontario Railway Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto as sub-section (4) the words: 2 Edw. VII., c. 9, s. 2 amended.

(4). It shall be lawful for the commissioner to appoint any one of the commissioners who shall be a professional engineer as consulting engineer of the commission and to pay him in addition to such honorarium a further sum at the rate of $2,500 per annum during such time as he shall act as such consulting engineer. Appointment and remuneration of member of commission as consulting engineer.

2. Section 3 of the said Act is amended by adding thereto as sub-section (4) the following words: 2 Edw. VII., c. 9, s. 3, amended.

(4). The commission shall be deemed to have authority hereunder with the approval of the Lieutenant-Governor-in-Council to extend the said line of railway in a northerly or northwesterly direction to a point on the line of the Grand Trunk Pacific Railway and such spurs or branches as may be necessary not exceeding 10 miles in any one place and power to make such surveys as the Lieutenant-Governor-in-Council may approve of. Extension of line northerly, spurs and branches.

3. Section 8 of the said Act is amended by adding thereto the following sub-sections: 2 Edw. VII. c. 9, s. 8 amended.

(2). The commission may with the approval of the Lieutenant-Governor-in-Council operate the said railway or any section thereof by electricity or by any other motive power but the provisions of *The Electric Railway Act* shall not apply to the construction or operation of the said railway or any Operation of line by electricity. Rev. Stat. c. 209.

any section thereof nor to any branch nor extension of the said railway.

Power houses, warehouses, docks, etc.

(3). The commission may purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops and offices and sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Buildings, wharfs, etc.

(4). The commission may erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, waggons, and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

Production and use of electricty, etc.

(5). The commission may construct, maintain and operate works for the production of electricity or other motive power for the said railway and for lighting and heating the rolling stock and other property of the railway and may sell or lease any such electricity or other power not required for the purposes aforesaid to any person or corporation and may acquire and hold any property necessary for such purposes.

Acquiring rights for conveying electricity.

(6) The commissioners may acquire the right to convey electric or other power required for the working of the railway and lighting or heating the same, over, through or under lands other than the lands of the commission, and may purchase the right to lay conduits under, or erect poles or wires on or over such lands as may be determined by the commission, and along and upon any of the public highways, or across any or the waters in this Province by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity or other power, upon and subject to such agreement in respect thereto as shall first be made between the commission and any private owners of the lands affected.

2 Edw. VII., c. 9 amended.

4. The said Act is amended by inserting therein the following as section 14*a*:

Accounts to be kept in Treasury Department.

14*a*.—(1) A separate account to be called "The Temiskaming and Northern Ontario Railway Account," shall be kept in the treasury department of the Province of Ontario of all

all receipts and expenditures on account of the construction of the said railway, and of the interest paid during such construction.

Certain moneys to be credited to separate accounts.

(2) The proceeds of the loan of $7,000,000, authorized by the Act passed in the 5th year of the reign of His Majesty King Edward VII., intituled "An Act for raising money on the credit of the Consolidated Revenue Fund of Ontario," shall be placed to the credit of the said account and the Lieutenant-Governor in Council may advance to the credit of the said account out of the Consolidated Revenue Fund of the Province of Ontario such monies as may be required for the construction of the said railway on such terms as may be decided on by the Lieutenant-Governor in Council.

What to be charged against account.

(3) All expenditures on account of construction, including interest paid on capital account during construction and the cost of redeeming treasury bills, or other securities heretofore issued for the purpose of raising money for construction purposes, shall be charged against the said account.

Order-in-Council directing payments to credit of account.

(4) The Lieutenant-Governor in Council may, by Order in Council, direct that such portions of the sums hereinbefore appropriated to the construction of the said railway as may be required from time to time by the commission for construction purposes on monthly or other estimates, may be placed to the credit of the said commission in the said separate account.

CHAPTER

CHAPTER 11.

The Agriculture and Arts Amendment Act, 1905.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Agriculture and Arts Amendment Act, 1905.*

Rev. Stat., c. 43, s. 10, subs. 2; 2 Edw. VII., c. 10, s. 9, amended.

2. Clause (*a*) of subsection 2 of section 10 of *The Agriculture and Arts Act* as amended by section 9 of *The Agriculture and Arts Act, 1902,* is amended as follows:

Annual meetings of district societies.

(1) By inserting the word "district" in the first line of the said clause before the word "Society."

(2) By striking out the word "municipality" in the second line of the said clause and inserting in lieu thereof the word "district."

Rev. Stat. c. 43, s. 10, subs. 2, amended.

3. The said subsection 2 is further amended by adding thereto the following clauses:

Annual meetings of Horticultural Societies.

(*b*) The annual meeting of any horticultural society shall be held within the city, town or village for which the society has been organized.

Annual meetings of Township Societies.

(*c*) The annual meeting of any township society shall be held at the township hall, or, if there be no township hall, at such place as may have been selected for the holding of the nomination of reeve and councillors for the current year.

When annual meeting may be held outside of district or township.

4. Notwithstanding anything to the contrary contained in *The Agriculture and Arts Act* the Exhibition of any District or Township Society may be held for any year outside the limits of the District or Township for which the Society is organized, provided a petition to that effect, signed by fifty members of the Society, is presented to the Minister of Agriculture on or before the first day of July, and the same is approved by an Order of the Lieutenant Governor in Council.

CHAPTER

CHAPTER 12.

An Act to confirm a certain Agreement made between the Commissioners of the Queen Victoria Niagara Falls Park and William Mackenzie, Henry Mill Pellatt and Frederic Nicholls, dated the 29th day of January 1903 and the Assignment thereof by the said William Mackenzie, Henry Mill Pellatt and Frederic Nicholls to the Electrical Development Company of Ontario, Limited, dated the 21st day of March 1903.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between Commissioners of Queen Victoria Niagara Falls Park and William Mackenzie set out in Schedule A. Confirmed.

1. The agreement made between the Commissioners of the Queen Victoria Niagara Falls Park and William Mackenzie, Henry Mill Pellatt and Frederic Nicholls, dated the 29th day of January, A.D. 1903, and as set forth in Schedule "A" hereto, and in this Act hereinafter designated as "the Agreement", is hereby approved, ratified, confirmed and declared to be valid and binding on the parties thereto and the assigns of the said William Mackenzie, Henry Mill Pellatt, and Frederic Nicholls, The; Electrical Development Company of Ontario, Limited; and each of the parties thereto and the said assigns are hereby authorized and empowered to do whatever is necessary to give effect to the substance and intention of the provisions of the agreement, and is hereby declared to have, and to have had power to do all acts necessary to give effect to the same.

Assignment of Agreement from William Mackenzie, *et al*, to Electrical Development Co., of

2. The assignment of the agreement between the said William Mackenzie, Henry Mill Pellatt and Frederic Nicholls to the Electrical Development Company of Ontario, Limited, dated the 21st day of March, 1903, and as set

Ontario, Ltd. Confirmed.

set forth in Schedule "B" hereto is hereby approved, confirmed and declared legal, valid and binding.

By-laws for fixing assessment of property of Company.

3. It shall be lawful for the corporation of any municipality in any part of which the works of the company or any part thereof pass or are situate by by-laws specially passed for that purpose to fix the assessment of the property of the said company, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein and this section shall be deemed to have been in force and shall take effect from and after the first day of September, 1904.

SCHEDULE "A."

This Agreement made this 29th day of January, A. D. 1903, between the Commissioners of The Queen Victoria Niagara Falls Park, acting herein on their own behalf and with the approval of the Government of the Province of Ontario, hereinafter called "The Commissioners," of the first part, and William Mackenzie, of the City of Toronto, Capitalist, Henry Mill Pellatt, of the same place, Capitalist, and Frederic Nicholls, of the same place, Capitalist, hereinafter called "The Syndicate," of the second part.

Whereas for convenience and to prevent ambiguity it is agreed and understood by and between the said parties hereto, and is hereby declared as follows, that is to say:

(*a*) The expression "the park" wherever it occurs herein shall be understood to mean the park proper, namely, The Queen Victoria Niagara Falls Park, south of its original boundary in front of the property formerly known as the Clifton House and running easterly to the Niagara River.

(*b*) The expression "the commissioners," wherever it occurs herein, shall be understood to mean not only the Commissioners of The Queen Victoria Niagara Falls Park—as representing the Government of the Province of Ontario in the premises—named as parties hereto of the first part, but also their successors and assigns and those who for the time being may be commissioners of the Queen Victoria Niagara Falls Park or other representatives of the Government in Ontario.

(*c*) The expression "the syndicate," wherever it occurs herein, shall be understood to mean not only the individuals above named as parties hereto of the second part, but also their and each of their heirs, executors, administrators and assigns.

And whereas the syndicate have applied to the commissioners for the right to take water from the Niagara River at a certain point or points in the park, in order that the syndicate may there-

by

by generate and develop electricity and pneumatic power for transmission beyond the park;

And whereas by the Act of the Legislature, 62 Victoria, chapter 11, it is enacted as follows:

"The said commissioners with the approval of the Lieutenant-Governor in Council may enter into an agreement or agreements with any person or persons, company or companies, to take water from the Niagara River, or from the Niagara or Welland Rivers, at certain points within or without the said park for the purpose of enabling such person or persons, company or companies, to generate, within or without the park, electricity or pneumatic, hydraulic or other power, conducting or discharging said water through and across the said park, or otherwise in such manner, for such rentals and upon such terms and conditions as may be embodied in the agrement or agrements, and as may appear to the Lieutenant-Governor in Council to be in the public interest."

And whereas the syndicate desire to secure the right to construct their works in the park, and the commissioners have agreed to permit such construction upon the terms and conditions hereinafter expressed and contained, or intended so to be, and in pursuance of the statutory powers in the preceding paragraph set forth;

Now, therefore, this agreement witnesseth as follows, that is to say:

1. For the purpose of generating electricity and pneumatic power or any other power to be transmitted, and capable of being transmitted, to places beyond the park, the commissioners hereby grant to the syndicate subject to the consent and approval of the proper authority, and save as hereinafter limited, a license irrevocable to take from the waters of the Niagara River within the park a sufficient quantity of water to develop 125,000 electrical, or pneumatic or other horse power for commercial use. Provided also that these presents are not to be construed as expressing or implying any covenants by the commissioners for title or quiet possession.

2. For the purposes aforesaid the commissioners further grant to the syndicate the right to construct, and build and do, and perform, and operate, the works as hereinafter described and located in pink lines upon the map or plan marked "N" hereto annexed and entitled "Plan attached to Agreement dated January 29th, 1903, made by the Commissioners of the Queen Victoria Niagara Falls Park with William Mackenzie, Henry Mill Pellatt and Frederic Nicholls for Power Privileges within the Park," and which plan is identified by the seals and signatures of the parties hereto.

3. The several works which the syndicate are by these presents authorized to perform and do may be more particularly described as follows:

Reference being made throughout to the above mentioned map or plan marked "N."

(*a*) From a point at or near A to a point at or near B to construct a gathering over-fall masonry dam, the rest of the said dam to be level with the surface of the ordinary water level of the river at the point A.

(*b*) From a point at or near B to or near the points C, D, E, and F successively to construct a masonry dam and overflow weir, the crest of which from B to D to be approximately 2 feet and from D to F approximately 3 feet lower than the general level of the water in the forebay.

(*c*) At or near the point C to construct a substantial masonry pier to direct the passage of ice from the intake to the river below the works.

(*d*) From or near the point H to or near the point G, and from or near H to or near K to construct masonry revetment walls.

(*e*)

(*e*) From or near the point A to or near the point R, and from or near the point H to or near the point C, and from or near the point D to or near J to construct permanent masonry sheer ice booms to prevent floating ice which may enter the intake from passing into the forebay.

(*f*) To construct a power house with gate house, rack, screen, penstocks, wheel pit, etc., etc., within the area marked P K L M. The power house to be of size and capacity appropriate for the machinery and appliances for the generation of 125,000 electrical horse power.

(*g*) To deepen the bed of the river within the area enclosed for the intake and forebay, and extending to such a distance eastwards and up stream from the point A as may be found necessary to conduct to the intake sufficient water at lowest stages of the river for the generation of 125,000 electrical horse power in the power house of the company, and a sufficient quantity of water in addition thereto to keep the weirs from B to E full to the level of the crest of the gathering overfall masonry dam A B.

(*h*) To construct a masonry lined tale race tunnel of capacity sufficient for the discharge of the water required in the works. The tunnel to extend from the wheel pit to a point of discharge below the Horse Shoe Fall, located between the points O and N on the plan.

(*i*) To erect a transformer house at some point east of the power house site, of the dimensions necessary for the stepping up of the electrical power given off by the electrical machinery in the power house to the voltage required on the transmission lines.

(*j*) To carry the electricity generated to points beyond the park by means of overhead wires or cables, or by means of underground conduits.

(*k*) To construct temporary coffer dams in the bed of the river where required, in order to facilitate and permit of the construction of any of the permanent works referred to in sub-sections (*a*) to (*g*) inclusive.

4. The syndicate agree to observe and perform the regulations contained in the agreement between the commissioners and Sutherland Macklem, so far as it relates to the supply of water from the Niagara River to the mansion grounds and premises known as "Clark Hill," and to the stipulations in the subsequent agreement relating to the water supply made between the commissioners and James R. Smith, the present proprietor, and his heirs and assigns.

5. The rights and privileges described in sub-sections (*a*) to (*k*) of paragraph 3 of this agreement, are granted subject to the rights in the bed of the river heretofore granted to the Ontario Power Company of Niagara Falls for its power development, which said rights, granted as aforesaid to the Ontario Power Company, are indicated in purple lines on the map or plan marked "N" attached hereto and described as "Intake Works of the Ontario Power Company of Niagara Falls," and none of the works to be performed under this agreement, either those intended to be of a temporary character, such as coffer dams or other methods of diverting the water of the river in order to facilitate construction, or those designed to be of a permanent nature, shall in any wise interfere with or incommode the Ontario Power Company in the proper and efficient construction or operation of its works as these are defined on the said map, and the syndicate shall make all such provision for the carrying off of the natural drainage water, or waters, which may require to be pumped by the Ontario Power Company from its excavations and works, as shall place that company in as favorable a position for the execution of its works of construction as if this agreement had not been entered into.

6. The works hereinafter specified and embraced in the following sub-sections (*a*) to (*f*) inclusive, and authorized by the commissioners to be done and executed by the syndicate by these presents, and the

the manner in which the same may from time to time be proposed to be performed or varied, shall before being commenced be submitted by the syndicate to the commissioners, accompanied by suitable plans, profiles, specifications and elevations as the case may require, and the scenic and general features thereof shall be approved by the commissioners in writing. This approval shall in no wise relieve the syndicate from responsibility for the stability and effectiveness of its works, but it is intended to secure as far as possible a degree of harmony in outline and treatment compatible with the location and with the works in a public park. The works to which such approval are required, and shall not be proceeded with without such approval, are the following:

(*a*) The location of the temporary coffer dam required to shut out the waters of the river from the space to be occupied by the works of the syndicate.

(*b*) The design and location of the overflow masonry dams and weirs, sheer ice booms, revetment walls, and piers for impounding and regulating the flow of water to the power house.

(*c*) The design and location of the power house and wheel pit, including the works and structures for regulating the flow of water at the penstock inlets.

(*d*) The lines and levels for the filling of the grounds about the site of the power house and out into the river to the north thereof and the method of protecting the same from erosion.

(*e*) The tunnel for carrying away the waste water from the wheel pit, the means of access to the mouth of the tunnel below the falls, the method to be used in disposing of the excavated rock and the supply of timber and material for the lining of the tunnel.

(*f*) The design and location of the transformer house and the method of conducting the electricity to points without the park.

7. Where the high tension transmission lines are carried over the park surface to points beyond the limit of the park, nonconducting guard wires, or other means of protection, shall be placed beneath the transmission lines in such manner that in case of accident to any of the wires carrying electricity all danger to persons or vehicles passing may be prevented.

8. The commissioners will define on the ground the area of the park surface which may be occupied for the temporary storage of materials, to be used in the construction of the works in the park, and also for the erection of such buildings or appliances as the commissioners may consider necessary for the uses of the syndicate or of its contractors during construction. The area to be so occupied will of necessity, be limited, and the period during which the park territory may be used for this purpose shall not exceed four years from the date of agreement for the initial installation of machinery to generate 25,000 horse power, nor more than eighteen months for any subsequent partial development up to the completion of the full installation of 125,000 electrical horse power.

9. The commissioners may require all good surface soil, which may be found at any point where works are to be constructed, to be removed and deposited in heaps at convenient points. This good surface soil shall be used as a top dressing for all areas which may be disturbed by the operations specified, or for covering over any waste material taken from the excavations in the park. Should the quantity of good soil so obtained be insufficient, in the opinion of the commissioners, to afford a proper covering for such new or disturbed areas, the syndicate shall obtain from without the park sufficient good soil for this purpose, but the quantity of good surface soil which the commissioners may require to be brought into the park and used as a covering or top dressing, shall not exceed 10,000 cubic yards.

10. For the purpose of construction and to remove or receive supplies of materials and machinery, the syndicate may build, subject to the approval of the commissioners, tramways, roads and such other appliances and structures as may be necessary for the prosecution

prosecution of the work; but these appliances are to incommode to the least possible extent the ordinary travel in the park, and shall be removed as soon as the works for which they are required are completed.

11. The syndicate shall have the right to use as power in the construction of any of the foregoing works either steam, electricity compressed air, or water.

12. Any excess of waste or refuse material taken from the excavations of the forebay, power house, wheel pit and tunnel, which the commissioners do not desire to use as filling within the park, shall be taken away by the syndicate and deposited outside the park limits.

13. The syndicate undertake to complete all the filling up, grading, levelling, sodding or covering with good surface soil and other works affecting the surface of the park, and to have removed all tramways, buildings and other constructions, material or appliances used in carrying out their operations in the park within one year from the time fixed for the completion of any fractional instalment under this agreement.

14. The license hereby granted is for the term of fifty years, commencing the first day of February, 1903, the syndicate paying therefor a clear yearly rental of $15,000, payable half-yearly on the first days of October and April in each year, and in addition thereto payment at the rate of the sum of one dollar per annum for each electrical horse power, generated and used, and sold or disposed of over ten thousand electrical horse power up to twenty thousand electrical horse power, and the further payment of the sum of seventy-five cents for each electrical horse power generated and used, and sold or disposed of, over twenty thousand electrical horse power up to thirty thousand electrical horse power, and the further payment of the sum of fifty cents for each electrical horse power generated and used, and sold or disposed of, over thirty thousand electrical horse power; that is to say, by way of example that on generation and use and sale or disposal of thirty thousand electrical horse power, the gross rental shall be $32,500 per annum, payable half-yearly, and so on in case of further development as above provided, and that such rates shall apply to power supplied or used either in Canada or the United States. Such additional rentals as shall be payable for such generation and sale, or other disposition as aforesaid, to the commissioners shall be payable half-yearly at the rate above specified on the first days of August and February in each year for all the power sold in the said several half-yearly periods from the day of sale; and within ten days after the said first days of August and February in each year on which such additional rentals shall be payable respectively, the treasurer, or if no treasurer, the head officer of the syndicate, shall deliver to the commissioners a verified statement of the electrical horse power generated and used, and sold or disposed of, during the preceding half-year, and the books of the syndicate shall be open to inspection and examination by the commissioners or their agent, for the purpose of verifying or testing the correctness of such statement; and if any question or dispute arises in respect to such return or of any statement delivered at any time by the syndicate to the commissioners, of the quantity or amount of the electrical horse power generated and used, and sold or disposed of, or of the amount payable for such additional rentals, the High Court of Justice of Ontario shall have jurisdiction to hear and determine the same and to enforce the giving of the information required. The syndicate has paid contemporaneously with the signing of this agreement the sum of $30,000, being the first two years' rental in advance, being up to first of February, 1905.

Provided always that if any part of the said rent, whether payable under this paragraph or in respect of the renewal term or terms in the following paragraph, shall be in arrear for three months, whether legally demanded or not, the commissioners, or if not then an existing corporation, the Government of the Province

vince of Ontario, may re-enter on the premises or any part thereof in the name of the whole, and thereupon this agreement shall determine, and the remainder of the term then current shall terminate, as well as any renewal or renewals thereof which under this agreement may be claimed.

15. If at the end of the said period of fifty years the syndicate desire to renew for a further period of twenty years, and shall give notice in writing to the commissioners at least twelve months before the expiration of the fifty years period, they shall be entitled to and shall receive a further lease of such rights for the period of twenty years more at the same rental as above provided, unless the Lieutenant-Governor in Council shall desire a readjustment of said rent as below provided, and similarly the syndicate shall be entitled at their option to two further renewals at twenty years each at the same rental, subject to the same qualifications, the object and intention of this stipulation being to confer upon the syndicate the right to an original term of fifty years at the rentals hereinbefore specified, and to three further terms of periods of twenty years each at said rentals, making one hundred and ten years in all, and the syndicate shall then give up, or at the expiration of the first term of fifty years, or any subsequent term of twenty years, if unrenewed in accordance with this agreement, the works, premises, rights and privileges by this agreement created without any claim for compensation with liberty to the syndicate to remove their machinery. In case the syndicate desire to terminate the lease, they may do so during the first period of fifty years upon three months' notice in writing to the commissioners, or in case the commissioners are not then an existing corporation, the Government of the Province of Ontario, payment of rent up to the time of the termination of such notice being made upon the giving of such notice. At the end of the said period of fifty years the same rentals as are hereby reserved shall continue to be paid by the said syndicate unless the Lieutenant-Governor in Council shall desire a readjustment of the said rent, in which case the rentals for a further period of twenty years shall be readjusted by agreement, and in the absence or failure of agreement by the parties hereto, then the rentals for such further term shall be ascertained by three arbitrators or a majority of them, one of whom shall be named and appointed by the commissioners, another by the syndicate, and the third by the Chief Justice or senior presiding Judge of the Provincial Court of Ultimate Appelate Jurisdiction for Ontario. The proceedings of and before such arbitrators shall be subject to the provisions of the law relating to "References by Consent out of Court," contained in the Revised Statutes of Ontario, 1897, chapter 62, respecting Arbitrations and References; and either party to such arbitration may appeal in accordance with the provisions of the said Revised Statute. The Lieutenant-Governor in Council may in the like manner for the two further periods of twenty years each require a readjustment of said rentals. In which case the same shall be determined as aforesaid, and at the expiration of such two periods of twenty years each, the terms so limited by these presents shall determine and end in accordance with all provisions above contained whereby the syndicate shall then give up the works, premises, rights and privileges of this agreement granted or created without and claim for compensation, but with liberty to the syndicate to remove their machinery. And it is hereby further agreed that at any time not less than three years before the period at which such third renewal of twenty years shall terminate, the Lieutenant-Governor in Council, and notice thereof to the syndicate given, may require the syndicate to continue its operations for a further period of twenty years, to commence from the termination of such third renewal, at the same rental as shall have been paid during the said third renewal period of twenty years or at a readjustment of said last mentioned rentals for such further period of twenty years by agreement, and in the absence or failure of agreement by the parties hereto, then the rentals for such further term of twenty years shall

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be ascertained by arbitration, in manner and form and according to the provisions of arbitration hereinbefore contained, and in the event of such option being so exercised the terms and provisions of these presents shall extend and bind the parties hereto until the said period of twenty years shall have elapsed and expired, but the exercise of such option requiring such further renewal by the Lieutenant-Governor in Council shall not change alter or affect the above provisions in respect of the termination of the liberties, licenses, powers and authorities, and so declared applicable at the termination of the said last mentioned or fourth renewal.

16. The commissioners will not themselves engage in making use of the water to generate electric, pneumatic or other power except for the purposes of the park, provided that in case the said commissioners shall have granted or at any time may have granted to any other person or corporation license to use the waters of the said Niagara or Welland Rivers, and by reason of failure of such person or corporation to carry on the works so licensed the said commissioners find it necessary to forfeit said license and take over said works, this clause shall not prohibit said commissioners from operating such works for the generation and transmission, sale or lease of electricity or power.

17. And the syndicate shall indemnify the commissioners from all claims or demands by any person or persons whomsoever, whether arising by reason of the exercise by the syndicate of the powers, rights or authorities or any of them conferred by this agreement, or by reason of anything done by the syndicate in the exercise therof affecting any property, rights or privileges heretofore by the commissioners granted to or conferred upon any person or persons whomsoever or enjoyed, used, and exercised by any such person or persons under the commissioners, it being the intention of this agreement that should the syndicate in the exercise of the aforesaid powers, rights and authorities so affect any such property, rights or privileges granted by or enjoyed under the commissioners, the syndicate shall fully indemnify the commissioners in respect thereof.

And in the event of any claims or demands aforesaid being preferred before or in any tribunal, whether in a court of law or by proceedings of arbitration against the commissioners or for the commissioners or in their name, the syndicate undertake and agree to intervene on behalf of the commissioners and defend the same or take such action in the premises at the cost and charges of the syndicate; the commissioners hereby conferring upon the syndicate all such rights and powers to act in their name and in their behalf in the premises or to confer such other and further rights and powers as may be required by the syndicate and necessary.

18. For the transmission of electricity or pneumatic or other power to points beyond the park in Canada, or the United States, the syndicate shall have the right to convey the same by overhead high tension wires or by cables or other appliances in conduits beneath the surface of the park at such depth and in such locations as the commissioners may, from time to time, determine, including the right to cross the so-called chain reserve, so far as the same is within the jurisdiction of the commissioners, at any point or points approved of by the commissioners between Fort Erie and Niagara-on-the-Lake, but subject to any rights which the commissioners may have created or licensed, or which may be created, without prejudice however to the exercise by the syndicate of any of its rights and powers under these presnts, or which may be acquired in respect of transmission of power as by this paragraph prescribed.

19. The syndicate undertake to begin the works hereby authorized within two years from the date of this agreement and to have proceeded so far with the said works on or before first January, 1907, that they will have completed within the park, water connections (that is to say, head race, forebay, penstocks, and tail race

race) for the development of twenty-five thousand horse power, and have actually ready for use, supply and transmission, ten thousand developed electrical or pneumatic horse power by said last-mentioned day, and if not then completed the Lieutenant-Governor in Council may declare this agreement, the liberties, licenses, powers and authorities so granted and every of them to be forfeited and void, and thenceforth after such declaration the same shall cease and determine and be utterly void and of no effect whatever.

20. So long as this agreement is in force the commissioners undertake and agree that the amount of rentals which may be fixed and charged for the right to use the waters of the Niagara or Welland River within the park for the purpose of generating electricity by any other company or person, shall not be at less rentals than is provided and reserved by these presents, and further, that any such company shall be subject to the like restrictions as in paragraph 21 of this agreement. Provided, however, that notwithstanding anything in this paragraph contained, the rentals so to be fixed and charged against any other company or person, may be reduced, below the rentals provided and reserved by these presents, so far only as such reduction may fairly and reasonably be allowed in respect of the increased cost of the construction of the tail race or tunnel within the park, by reason of its greater length or other ground of expense in its or their construction, whether required for supply or waste through the park to the point of discharge into the Niagara River in excess of the distance between the power house of the Canadian Niagara Power Company and the point of discharge into the Niagara River, such reduction not to be of an amount sufficient to give any undue advantage as against the syndicate except by reason of such increased cost of tail race or tunnel, or both, as the case may be.

21. The syndicate, whenever required, shall from the electricity or pneumatic power generated under this agreement, supply the same in Canada to the extent of any quantity not less than one half the quantity generated at prices not to exceed the prices charged to cities, towns and consumers in the United States, at similar distances from the Falls of Niagara, for equal amounts of power and for similar uses, and shall, whenever required by the Lieutenant-Governor in Council, make a return of prices charged for such electricity or power, verified under oath by any chief officer of the syndicate, and if any question in dispute arises, involving the non-supply or prices of electricity or power for consumption in Canada, the High Court of Justice of Ontario shall have jurisdiction to hear and determine the same and enforce the facilities to be given or the prices to be charged.

22. All power developed within the limits of the park under this agreement, shall be in a form capable of transmission and use outside the park, and shall not be used within the park except such uses as may be convenient or necessary within the buildings of the syndicate for the purposes of its power development, and except such cases as may be hereafter agreed upon for railway, pumping, elevator, or other purposes within the park. The syndicate may agree with the Niagara Falls Park and River Railway Company for the supply of electricity, pneumatic or other power to work the said railway, and with the Town of Niagara Falls, Ontario, and the Town of Niagara Falls South, Ontario, for the supply of power for their pumping station or stations within the park, and may also supply electricity for any other persons within the park.

23. If the syndicate should an any time or times after the completion of its plant and power house, or the first day of January, 1907, whichever shall first happen, continuously neglect, for the space of one year, effectually to generate electricity or pneumatic power as hereby agreed by the syndicate, unless hindered by unavoidable accident, the Lieutenant-Governor in Council may then and from thenceforth declare this agreement, the liberties, licenses, powers and authorities thereby granted and every of them to be

forfeited

forfeited, and thenceforth the same shall cease and determine and be utterly void and of no effect whatever.

24. The rents hereby agreed to be paid are hereby declared to be the first and preferential charge upon the said works, and the syndicate shall not have power to create any lien, charge or incumbrance upon the said works or any of them, by bond, debenture, mortgage or otherwise, which would interfere with or prevent the commissioners from procuring payment of the rent hereby reserved or any part thereof; and no simple contract creditor or other creditor of the syndicate shall have any claim against the said works or any part thereof in priority of the claim of the commissioners for rent.

25. The said syndicate shall not amalgamate with any other corporation or company heretofore or hereafter incorporated by or under the laws of the Dominion of Canada, or by or under authority of the Province of Ontario, or which shall be hereafter licensed by the said commissioners to take and use the waters of the Niagara or Welland Rivers or both, for the purpose of generation and transmission of electricity without the consent of the Lieutenant-Governor in Council to such amalgamation, nor shall they enter into any arrangement or agreement for that purpose with any such company which may directly or indirectly have that effect, or which may or shall have the effect of keeping up the price or prices of said power, nor shall they enter into any agreement with any such company for pooling the receipts of the said syndicate or of any part thereof with those of any other company, nor which shall provide for or have the effect of establishing a common charge or schedule of charges for the use of said power or any part thereof.

26. It is further agreed that if from any cause the supply of water at the point of intake, as by these presents defined, be diminished, the syndicate shall have no claim or right of action against the commisioners, but may deepen such point of intake to such extent as to restore the supply of water to the volume or quantity necessary for the purposes of the syndicate, and that the granting or licensing of rights to the syndicate by these presents shall not give the syndicate any right of action against the commissioners, nor give to the syndicate any right of action against other licensees or grantees of the commissioners in respect of any diminution not substantially interfering with the supply necessary for the syndicate, nor so long as such necessary supply can be obtained by means of deepening the said point of intake.

27. The syndicate agree with the commissioners that within two years from the date of this agreement they will sell, assign, convey and transfer to a company or corporation, formed or to be formed under proper authority, having power to construct and operate the works hereinbefore described, all the rights and franchises by this agreement given and conferred to and upon the said syndicate, including the benefit of any work that shall have been done and any moneys that shall have been expended in connection with the said works prior to the organization of the said company or corporation, subject to the provisions and conditions in this agreement contained, and by the syndicate agreed to be observed and performed, and otherwise upon such terms and conditions as shall be agreed upon between the said corporation and the syndicate.

And upon the due organization and formation of the company or corporation now existing or to be formed as above provided, and when this agreement, and the rights and franchises thereby conferred, including works done and money expended as aforesaid, shall have been duly transferred to such company or corporation and it shall have assumed the same the syndicate shall thereby be relieved from personal responsibility to the commissioners for the performance of this agreement.

Nothing in this agreement contained shall affect any pending suit or litigation, or any contract, covenant or agreement made between

between the syndicate, and any other corporation or individual, at the time of or prior to the said transfer.

Provided always, that any claim or right of suit or action existing against the syndicate, may be urged and prosecuted against the said company or corporation, as fully and effectually as it might be urged and prosecuted against the syndicate primarily bound or obliged or indebted in the premises, and the said company or corporation may be substituted for the syndicate in any pending suit or action.

28. And the said parties hereto mutually and respectively covenant, promise and agree with each other to carry into effect, observe, perform and fulfil all the provisions and stipulations in these presents contained and to be carried into effect, observed, performed and fulfilled by the said parties respectively.

29. This agreement shall have no force or effect until approved by the Lieutenant-Governor in Council.

In witness whereof the corporate seal of the commissioners hath been hereunto affixed by their chairman who has also signed these presents in certification of due execution hereof by the commissioners, and the members of the syndicate have also hereunto set their hands and seals on the day and year aforesaid.

THE COMMISSIONERS OF THE QUEEN VICTORIA NIAGARA FALLS PARK,

J. W. LANGMUIR,
Chairman.

The Queen Victoria
(Seal)
Niagara Falls Park.

JAMES WILSON,
As to signature of J. W. Langmuir.

WM. MACKENZIE, (Seal).
Attorney, A. W. MACKENZIE.

HENRY M. PELLATT. (Seal).

FREDERIC NICHOLLS. (Seal).

Witness:

HUBERT H. MACRAE,

To the signature of William Mackenzie by his Attorney, A. W. Mackenzie, Henry Mill Pellatt and Frederic Nicholls.

COPY OF AN ORDER-IN-COUNCIL APPROVED BY HIS HONOUR THE LIEUTENANT-GOVERNOR, THE 30TH DAY OF JANUARY, A.D. 1903.

Upon the recommendation of the Honourable the Premier, His Honour the Lieutenant-Governor, by and with the advice of the Executive Council of Ontario, has been pleased to approve and does hereby approve of a certain agreement bearing date the 29th day January, 1903, with indentified plan thereto attached, made between the Commissioners of the Queen Victoria Niagara Falls Park, of the first part, and William Mackenzie, Henry Mill Pellatt and Frederic Nicholls, of the second part, respecting the construction of works and exercise of powers within the Queen Victoria Niagara Falls Park, in pursuance of the Act of the Legislature of Ontario, 62 Victoria, chapter 11, section 36.

Certified,

(Signed) J. LONSDALE CAPREOL,
Ass. Clerk, Executive Council.

SCHEDULE

SCHEDULE "B."

ASSIGNMENT OF AGREEMENT FROM WILLIAM MACKENZIE, HENRY M. PELLATT AND FREDERICK NICHOLLS TO THE ELECTRICAL DEVELOPMENT CO. OF ONTARIO, LIMITED.

This Indenture made this twenty-first day of March, 1903, between William Mackenzie, Henry M. Pellatt, and Frederic Nicholls, all of the City of Toronto, in the County of York, Capitalists, hereinafter called the "Assignors," of the first part; and The Electrical Development Co. of Ontario, Limited, hereinafter called the "Assignee," of the second part.

Whereas an agreement has been made and entered into, bearing date the 29th day of January, 1903, between the Commissioners of the Queen Victoria Niagara Falls Park and the above-named Assignors for the taking of water from the Niagara River upon the terms and subject to the conditions therein particularly mentioned;

And whereas in and by the said Agreement it was provided that the same should be assigned within two years from the date thereof, to a company or corporation having power to construct the works in the said Agreement referred to.

And whereas the assignee is a company incorporated by Royal Letters Patent under *The Ontario Companies Act*, with full powers to construct all the said works and to do all things necessary to be done under the said agreement, and it has been agreed between the said assignors and the said assigne that the said agreement should be assigned to the said assignee.

Now therefore, in consideration of the premises, and for divers good and sufficient considerations, the said assignors do hereby sell, assign, convey and transfer to the assignee, its successors and assigns the said agreement between the said assignors and the said the commissioners of the Queen Victoria Niagara Falls Park, bearing date the 29th day of January, 1903, together with all the rights and franchises given and conferred thereby, and all benefits and advantages to be derived therefrom, including the benefit of all work that has been done and all moneys that have been expended in connection with the said work under or in pursuance of the said agreement, but subject to all the terms and conditions in the said agreement contained;

And the said assignee hereby accepts the said assignment, and covenants and agrees on its part to observe and perform all the terms, provisions and conditions in the said agreement contained, and to indemnify and save harmless the said assignors from all liability in respect thereof.

In witness whereof the parties hereto of the first part have hereunto set their hands and seals, and the party of the second part its corporate seal duly authenticated, the day and year first above written.

Signed, Sealed and Delivered in the presence of
HUBERT H. MACRAE.
As to signatures of William Mackenzie, Henry M. Pellatt, and Frederic Nicholls.

WILLIAM MACKENZIE. (Seal).
HENRY M. PELLATT, (Seal).
FREDERIC NICHOLLS. (Seal).

THE ELECTRICAL DEVELOPMENT CO. OF ONTARIO, LIMITED.
FREDERIC NICHOLLS,
Vice-President.
H. G. NICHOLLS,
Secretary. (Seal).

CHAPTER

CHAPTER 13.

An Act to amend the Statute Law.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Statute Law Amendment Act, 1905.* Short title.

2. Section 9 of the *Act respecting the Legislative Assembly* is amended by adding thereto the following words: Rev. Stat. c. 12, s. 9, amended.

"Nothing in this or in any other Act contained shall render ineligible as a member of the Legislative Assembly any person holding the office of Public School Inspector."

3. Subsection 3 of section 4 of the *Act respecting Fees of certain Public Officers* is repealed. Rev. Stat., c. 18, s. 4, subs. 3, amended.

4. Section 130 of *The Judicature Act* is repealed and the following substituted therefor:— Rev. Stat., c. 51 s. 130, repealed.

130.—(1) The Lieutenant-Governor in Council may, from time to time, appoint a Registrar and an Assistant Registrar of the Court of Appeal. Registrar and Assistant Registrar of Court of Appeal.

(2) The said Registrar or Assistant Registrar shall not take for his own use or benefit, directly or indirectly, any fee or emolument, save the salary to which he is entitled by law, and all fees received by him on account of the said offices shall form part of the Consolidated Revenue Fund, and shall be payable in stamps, subject to the Act respecting Law Stamps.

(3) In the case of the absence or illness of the Registrar, or in case the office of Registrar is vacant, the Assistant Registrar shall perform all the duties of the Registrar.

5. Section 171 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat., c. 51, s. 171, repealed.

171.—(1) To provide a fund to enable a reduction to be made to litigants for copies of evidence taken in shorthand at trials or trial. Fee on entering actions for

or on references, a fee of $2 shall be paid in every civil case in the High Court of Justice entered for trial.

(2) The fee provided for by the next preceding subsection shall be paid in law stamps and not in money, and shall be payable and be paid when the case is entered for trial.

(3) Any moneys now standing at the credit of the Shorthand Reporters' Fund shall forthwith, after this section comes into force, be paid over to the Provincial Treasurer.

(4) This section shall come into force on the 1st day of September next.

Rev. Stat., c. 60 s.164, amended.

6. Section 164 of *The Division Courts Act* is amended by adding thereto the following subsection:

(3) Where a jury is required to be summoned in any case in which a municipality, partly or wholly within the division, is a party, and such jury would, if selected in ordinary course, be composed of ratepayers of such municipality, the County Judge may, upon the application of any party, order the clerk to summon such jury from such other municipality within the division as he shall direct, commencing at the first name marked "J" upon the voters' list of such municipality, and proceeding as hereinbefore provided, or in such case the judge may before or at the trial direct that the issues shall be tried and damages assessed without a jury.

Rev. Stat., c. 61, s. 103 amended.

7. Section 103 of *The Jurors Act* is amended by inserting after the words "then present" in the tenth line the words "whether such persons are on the panel of petit jurors or not."

Rev. Stat., s. 142 amended.

8. Section 142 of *The Jurors Act* is amended by adding thereto the following sub-section:

(5) The County Council may by by-law from time to time increase the fee allowed to Jurors to any sum not exceeding $3 per day.

Rev. Stat., c. 61, s. 149 amended.

9. Section 149 of *The Jurors Act* is repealed and the following substituted therefor:

Fees of special jurors.

149. Special Jurors shall receive the same fees and mileage as Jurors are entitled to from time to time under section 142, and such fees and mileage shall be the fees of the Jurors mentioned in section 129 of this Act.

Rev. Stat., c. 133, s. 23, amended.

10. Section 23 of *The Real Property Limitation Act* is amended by adding thereto the following words: "And unless in the meantime where a lien or charge has been created by the placing of a writ of execution against lands in the hands of the Sheriff the writ has been kept alive by renewals of it from time to time."

11. Sub-section 6 of section 61 of *The Registry Act* and section 29 of chapter 10 of the Acts passed in the fourth year of the reign of His Majesty, amending the said sub-section, are hereby repealed and the following is substituted for the said sub-section 6 : Rev. Stat., c. 136, s. 61 and 4 Edw. VII, c. 10, s. 29 repealed.

(6) In this section the word "mortgagee" shall include the assignee of a mortgage and shall also include a person obtaining any security coming within the terms of section 43 of this Act, and the word "mortgage" shall include an assignment of a mortgage or an agreement to extend the time for payment of a mortgage or such security as aforesaid. "Mortgagee" and "mortgage."

12. Section 70 of *The Registry Act* is amended by adding thereto the following subsection :— Rev. Stat. c. 136, s. 70, amended.

(5) Before any original will or an exemplification of any probate or letters of administration with the will annexed under the seal of any Court in Great Britain and Ireland or in any British Province, colony or possession or in any foreign country having jurisdiction therein, is registered under this section, an affidavit shall be filed by the executors or administrators as the case may be or their solicitors or agents or the beneficiaries producing such will or exemplification or some one or more of them, showing that an account has been filed with the Surrogate Registrar pursuant to section 5 subsection 3 of *The Succession Duty Act*. Rev. Stat., c. 24

13. Section 8 of *The Act respecting Water Privileges*, is amended by striking out the words "the dam may be built" in the second line of the said section and substituting therefor the words "the water may be raised." Rev. Stat., c. 141, s. 8, amended.

14. Section 10 of the *Act respecting Conditional Sales of Chattels* is repealed and the following substituted therefor : Rev. Stat., c. 149, s. 10, repealed.

10.—(1) Where any goods or chattels which have been sold on special conditions as in section 1 of this Act mentioned are affixed to any realty such goods and chattels shall notwithstanding remain subject to such conditions as fully as they were before being so affixed, but the owner of such realty or any purchaser or any mortgagee or other incumbrancer on such realty shall have the right as against the manufacturer, bailor or vendor of such goods or chattels or any person claiming through or under them to retain the said goods and chattels upon payment of the amount due and owing thereon Chattels affixed to realty to remain subject to lien.

(2) The provisions of this section are to be deemed retroactive and shall apply to past as well as to future transactions.

15.

Rev. Stat. c. 162, s. 5 (5) amended.

15—(1) Sub-section 5 of section 5 of *The Marriage Act* is amended by adding thereto the following words: "and who shall forthwith after such solemnization endorse upon the said certificate or license the date of the marriage and the names and descriptions of the witnesses, and thereupon forward such certificate or license to the Registrar-General."

Rev. Stat. c. 162, s. 20 (4) amended.

(2) Sub section 4 of section 20 of the said Act is amended by striking out the words "to be supplied to him by the Registrar-General," in the second and third lines and inserting in lieu thereof the following words: "endorsed upon the affidavit referred to in section 17."

Application of section.

(3) This section shall not apply to forms of licenses or affidavits issued from the office of the Provincial Secretary prior to the 1st of June, 1905.

Rev. Stat. c. 212 repealed.

16. *The Ontario Immigration Aid Societies Act* is repealed.

Rev. Stat. c. 205, s. 120, amended.

17. The proviso added to section 120 of *The Loan Corporations Act* by section 18 of the Act passed in the first year of His Majesty's reign, chapter 12, is amended by adding at the end of the said proviso the following words:—

"Unless for cause shown to the satisfaction of the Registrar, in which case registry may be granted year by year for an additional number of years not exceeding three."

Rev. Stat., c. 233, s. 17, amended.

18.—(1) Subsection 1 of section 17 of *The Public Parks Act* is amended by adding thereto the following clause:

Estimates to be submitted to council.

(*d*) The interest and instalments of purchase money for the purchase of small squares or parks.

Rev. Stat., c. 233 s. 17, subs. 4 amended.

(2) Subsection 4 of said section 17 of the said Act is amended by adding thereto:

Issuing of debentures for half cost of park when remainder contributed.

(*a*) Provided always, that if at least one half of the cost of establishing a park is given by private subscription or otherwise, the council shall, at the request of the board of park commissioners, in municipalities in which this Act is in force, issue debentures for the remaining one half of the cost thereof, but only when the annual sum required to meet the annual interest and sinking fund can be provided for without exceeding the limit of one half mill in the dollar provided for in sub-section 5 of this section.

2 Edw. VII, c. 14, s. 1, amended.

19. Section 27*a* of *The Jurors Act* added thereto by section 1 of the Acts passed in the second year of His Majesty's reign chapter 14 is amended by adding thereto the following subsection:—

(3)

(3) Where such resolution as aforesaid has been passed, and notwithstanding anything hereinbefore contained, the Judge of the County Court may so soon as the Grand Jury have completed their work for the High Court require their attendance before him and may thereupon proceed to hold the General Sessions of the Peace so far as the same relates to the duties of the Grand Jury although the High Court may not have completed its sittings.

4 Edw. VII., c. 10, s. 11, amended.

20. Section 11 of *The Statute Law Amendment Act, 1904,* is amended by striking out the word "after" where it first occurs in the second line of the said section.

63 V., c. 29, s. 6 amended.

21. Section 6 of the *Act respecting Aid to certain Railways* passed in the sixty-third year of the reign of Her late Majesty is amended by adding thereto the following words:—"The time limited herein is extended as regards the Central Ontario Railway until the thirty-first day of December, 1905."

Service in alimony actions.

22. Clause (*h*) of Rule 162 of The Consolidated Rules of Practice is amended by adding after the word "judgment" in the fourth line the words "or in respect of a claim for alimony."

Toronto hospital trustees.

23.—(1) In addition to the powers heretofore conferred upon and now possessed and enjoyed by the Trustees of the Toronto General Hospital, the said corporation shall have the right and it is hereby empowered to acquire, enter upon, take and use all necessary and convenient lands and buildings for the purposes of the said Corporation making compensation therefor to the owners, occupiers and other persons having an interest in the said lands and buildings.

3 Edw. VII c. 19.

(2) All the provisions of *The Consolidated Municipal Act, 1903,* from section 437 to 467 both inclusive, shall *mutatis mutandis* apply to the said corporation and the exercise by it of the powers hereby conferred.

2 Edw., VII., c. 35, s. 6, amended.

24. Section 6 of the *Act to amend the Toll Roads Expropriation Act, 1901,* passed in the second year of His Majesty's reign, chapter 35, is amended by adding thereto the following sub-section:—

(2.) Any town, township or village within the county may, with the consent of the county, purchase, take over or othe wise acquire any such road, or the portion thereof lying within or adjoining any such town, township or village, and may provide for payment of the same out of the general funds of the municipality, and the town, township or village so acquiring such road shall thenceforward maintain the same.

3 Edw. VII., c. 38, s. 1, amended.

25. Section 1 of *The Act respecting Municipal Houses of Refuge*, passed in the 3rd year of His Majesty's reign, Chaptered 38, is amended by striking out the figures "1906," in the second line, and inserting in lieu thereof the figures '1908."

4, Edw. VII., c. 24, s. 6 amended.

26. Section 54 of *The Separate Schools Act*, as enacted by section 6 of chapter 24 of the Acts passed in the fourth year of the reign of His Majesty, King Edward VII., is amended by adding thereto the following sub-sections:

(3) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.

(4) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices which may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(5) The word "company" in this section shall mean and include any body corporate.

63 Vict., c. 30, s. 16, subs. 2 amended.

27. Subsection 2 of section 16 of *The Act respecting Aid to the Algoma Central Railway Company* as enacted by subsection 2 of section 54, of *The Statute Law Amendment Act, 1903*, is amended by striking out the words "two years" in the tenth line thereof and substituting therefor the words "four years."

2 Edw. VII., c. 44, s. 2, repealed.

28. Section 2 of *The Act respecting the Town of Berlin and the Ontario Sugar Company, Limited*, passed in the second year of His Majesty's reign, Chapter 44 is repealed.

Sleigh runners to be not less than four feet

29.—(1) On and after the coming into force of this section no person shall use on any public highway, except within the limits of any city, any sleigh or other vehicle upon runners drawn by horses or other animals (except cutters) manufactured after the 1st day of December, 1906, unless the same is so constructed that the distance between the outer edges of such runners at the bottom is not less than four feet.

(2)

(2) This section shall be given effect to notwithstanding any by-law or by-laws that may have been passed by the council of any county under paragraph number 6 of section 559 of *The Consolidated Municipal Act 1903*; provided that the council of any county may pass a by-law exempting such county from the operation of this Act. Commencement of Act.

(3) Any person guilty of violating the provisions of this section, shall, upon conviction for every such violation, be liable to a penalty of not more than $10 nor less than $5, to be recoverable with costs under the provisions of *The Ontario Summary Convictions Act*. Penalty. Rev. Stat., c. 90.

(4) Paragraph number 6 of section 559 of *The Consolidated Municipal Act, 1903*, is repealed. 3 Edw. VII., c. 19, s. 559, par. 6 repealed

30. Where an Inspector appointed under *The Ontario Factories Act* is called as a witness, he shall be entitled acting herein by the direction and on behalf of the Attorney-General or of a member of the Executive Council to object to giving evidence as to any factory inspected by him in the course of his official duty. Inspectors under Rev. Stat., c. 256, may object to giving evidence in certain cases.

CHAPTER

CHAPTER 14.

An Act to amend The Surrogate Courts Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 59, s. 72 amended.

1. Section 72 of *The Surrogate Courts Act* is amended by adding thereto the following sub-sections:—

Powers of judge on passing accounts.

(3) The Surrogate Court Judge, on passing the accounts of an executor, administrator or trustee, shall have jurisdiction to enter into and make full enquiry and accounting of and concerning the whole property of the deceased which he was possessed of or entitled to, and the administration and disbursement thereof in as full and ample a manner as can be had and done in the Master's Office in the High Court under an administration order, and for such purpose to take evidence and decide all disputed matters arising in such accounting subject to an appeal under section 36 of this Act.

Notice to persons interested.

(4) The persons interested in the taking of such accounts or the making of such enquiries shall, if resident within Ontario, be entitled to not less than seven days' notice thereof, and if resident out of Ontario shall be entitled to such notice as the said Surrogate Court shall direct.

CHAPTER 15.

An Act to amend The Act respecting Coroners.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 97 amended.

1. *The Act respecting Coroners* is amended by adding thereto the following section as section 20:

Duty of council of city or town as to providing court room for inquests.

20. It shall be the duty of the council in every city and town to provide a suitable room or rooms for the holding of inquests, and until some other suitable room is set aside for that purpose inquests shall be held in the police court room of the municipality, but at such times as shall not interfere with the use of such court room for the holding of the police court. If such suitable room be not provided, the Coroner shall have authority to secure a room for the inquests, and to charge the expense of the same to the municipality in which such inquest is held.

CHAPTER

CHAPTER 16.

An Act to further amend The Pharmacy Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 179, s. 5, subs. 2 amended.

1. Sub-section 2 of section 5, of *The Pharmacy Act* is amended by striking out the words "be a resident of" in the second line thereof and by inserting in their stead the words "carry on business in".

Rev. Stat., c. 179, s. 6 amended.

2. Section 6 of *The Pharmacy Act* is amended by striking out the word "resident" in the 6th line thereof and inserting instead thereof the words "carrying on business".

Rev. Stat., c. 179, s. 7 amended

3. Section 7 of *The Pharmacy Act* is amended by striking out the word "July" in the second line thereof and inserting instead thereof the word "August", and by striking out the words and figures "of $4" in the fifth line thereof.

Rev. Stat. c. 179, s. 9 amended.

4. Section 9 of *The Pharmacy Act* is amended by striking out the words "Tuesday in February and the first Tuesday" in the second line thereof and by inserting instead thereof the words "Monday in June and the first Monday" and by striking out the word "August" in the third line thereof and by inserting instead thereof the word "December" and by striking out the words "purpose of granting certificates of competency" in the 3rd and 4th lines thereof and by inserting instead thereof the words "transaction of general business".

Rev. Stat., c. 179, s. 10, sub s. 1 amended.

5. Sub-section 1 of section 10 of *The Pharmacy Act* is amended by inserting after the word "college" in the 10th

10th line thereof the words "and for the discipline, suspension or expulsion for cause of any student of the college".

Rev. Stat. c. 179, s. 10, subs. 2 amended.

6. Sub-section 2 of section 10 of *The Pharmacy Act* is amended by striking out the following words and figures in the 2nd, 3rd and 4th lines thereof "or more than $4.00 per day for such days only as any member is in actual attendance upon the business of the college, including going to and returning from such sitting" and inserting in place thereof the following words and figures, "or more than $5.00 per diem for such days as any member is in actual attendance at a sitting of the council or upon the business of the college including going to and returning therefrom".

Rev. Stat. c. 179, s. 12, subs. 1 (*b*) amended.

7. Sub-section 1 (*b*) of section 12 of *The Pharmacy Act* is amended by striking out the words "the first in any college of pharmacy or school of medicine approved by the council and the second or senior course" in the 5th, 6th and 7th lines thereof and by inserting the words "practical pharmacy" after the word "pharmacy" in the 9th line thereof and by inserting the words "practical chemistry" after the word "chemistry" in the 9th line thereof".

Rev. Stat. c. 179, s. 19 amended.

8. Section 19 of *The Pharmacy Act* is amended by striking out the following words and figures after the word "year" in the 3rd line thereof, "by every person registered and carrying on business as a pharmaceutical chemist the sum of $4.00, provided that in case such person shall carry on business in more than one locality the further sum of $4.00 shall be payable by him as aforesaid" and by inserting in place thereof the following words and figures "or such other day as the council may provide by by-law, by every person registered and carrying on business as a pharmaceutical chemist such sum not exceeding $4.00 as may be determined by the by-laws of the council, provided that in case such person shall carry on business in more than one locality he shall pay a further sum not exceeding $4.00 as provided by the by-laws of the council" and by inserting after the word "business" in the 7th line thereof the words "which he may be interested in as owner or part owner" and by striking out the words "legally qualified pharmaceutical chemists" in the 10th line thereof and by inserting instead thereof the words "graduates of the Ontario College of Pharmacy".

Rev. Stat. c. 179, s. 26 amended.

9. Section 26 of *The Pharmacy Act* is amended by inserting the words and figures "drugs or medicines except patent

patent or proprietary medicines, as provided for in section 34 of this Act, together with Turpentine, Epsom Salts, Senna, Alum, Borax, Castor Oil, Sulphur, Glauber's Salt, Cream of Tartar, Carbonate of Soda, Bi-Carbonate of Soda and Glycerine" after the word "poisons" in the second line thereof, and by inserting after the word "druggist" in the sixth line thereof the words "or any sign, title or advertisement, implying or calculated to lead people to infer that he is registered under this Act."

Commencement of Act.

10. This Act shall come in force on the first day of September, 1905.

CHAPTER

CHAPTER 17.

An Act to amend The Act respecting Gas and Water Companies.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, is hereby amended by adding thereto the following words: "Or may enter into a contract for the leasing for a term of years, which lease may contain an option or agreement for the purchase and sale, respectively, or may enter into a contract for the purchase and sale either for cash or by instalments of the real and personal property, assets and franchise of any such company, but no such contract shall be entered into until the same has been submitted to and shall receive the assent of the ratepayers qualified to vote on by-laws for the creation of debts." Rev. Stat. c. 199., s. 12, amended.

CHAPTER

CHAPTER 18.

An Act to amend The Act to provide for the Incorporation of Co-operative Cold Storage Associations.

Assented to 12th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

63 V., c. 26, s. 1, subs. 1 amended.

1. Subsection 1 of section 1 of *The Act to provide for the Incorporation of Co-operative Cold Storage Associations* is amended by inserting the words "purchase or" between the words "the" and "sale" in the fifth line of the said subsection.

63 V., c. 26, s. amended.

2. Section 17 of the said Act is amended by striking out the word "five" in the twenty-first line and inserting in lieu thereof the word "ten."

CHAPTER

CHAPTER 19.

An Act to amend The Loan Corporations Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Loan Corporations Act* is amended by inserting therein the following section:— Rev. Stat. c. 205 amended.

Appointment of examiner by Attorney-General to audit books, accounts, etc., of company.

118a (1) The Attorney-General of the Province of Ontario may, upon an application being made to him, in writing, appoint some competent person to make a special examination and audit of the corporation's books, accounts and securities, and to enquire into the conduct of the business of the corporation generally.

Powers of examiner as to summoning witnesses, etc.

(2) The examiner so appointed may summon witnesses and take evidence under oath, and generally for the purposes of such examination, audit and enquiry shall have the like powers as a Commissioner appointed under *The Act respecting Inquiries concerning Public Matters*.. Rev. Stat., c.19.

Examiner to report to Attorney-General.

(3) Upon the conclusion of such examination, audit and enquiry, the examiner appointed under this section shall make his report in writing to the Attorney-General.

Evidence upon which inquiry to be ordered.

(4) The application shall be supported by such evidence as the Attorney-General may require for the purpose of showing that the applicant or applicants have good reason for requiring such investigation to be made, and that he is or they are not actuated by malicious motives in instituting the same; the Attorney-General may also require the applicant or applicants to give security for the payment of the costs of enquiry before making any appointment.

CHAPTER

CHAPTER 20.

An Act to amend The Act respecting Conveyances to Trustees for Burial Grounds.

Assented to 25th May, 1905.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat. c. 214 amended.

1. *The Act Respecting Conveyances to Trustees for Burial Grounds* is amended by adding thereto the following section:

Powers of trustees as to making regulations respecting the grounds.

4. Trustees of burial grounds may adopt rules and regulations for the laying out, care, maintenance and management of such burial grounds, for the regulating of burials to be made therein, the erection or removal of tombs, monuments, grave stones, vaults, copings, fences, hedges or other permanent improvements therein, the planting placing and removal of trees, shrubs and plants in the grounds and otherwise generally respecting the use of the grounds, and shall file the same in the office of the Provincial Secretary within one month after adoption, and rules and regulations heretofore adopted by trustees respecting the matters aforesaid shall be filed with the Provincial Secretary within one month after the passing of this Act. Rules and regulations filed as above provided shall be subject to disallowance by order of the Lieutenant-Governor in Council. This section shall apply to trustees of burial grounds appointed before the passing of this Act although fewer than ten in number, but nothing herein contained shall be construed to extend, limit, restrict, or vary any term or condition of any trust deed of any burial ground.

CHAPTER 21.

An Act to amend an Act passed in the 63rd year of Her late Majesty's reign, Chaptered 30 and entitled an Act respecting aid by Land Grant to the Algoma Central Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS, by an Act passed in the 63rd year of Her late Majesty's reign, chaptered 30, entitled an Act respecting aid by Land Grant to the Algoma Central Railway Company, and amendments thereto, it was provided that the Lieutenant-Governor-in-Council might set apart out of the ungranted lands of Ontario 7,400 acres of land per mile of railway, on the terms in said Act mentioned; and whereas certain doubts have arisen as to what lands may be set aside under the provisions of said Act, and it is expedient that such doubts should be removed,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to make grants to company in certain townships.

1. Notwithstanding anything contained in section 3 of the said Act, the Lieutenant-Governor in Council may set aside as part of said Land Grant, and may grant to the Algoma Central and Hudson Bay Railway Company any of the ungranted lands in the Townships of Hodgins, Deroche and Shields, in the District of Algoma, and Townships Numbers 29, 30, 31 and 32 in Ranges 25 and 26 in the Michipicoten Mining Division.

CHAPTER 22.

The Municipal Amendment Act, 1905.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII. c. 19, s. 24 repealed.

1. Section 24 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:

Adding territory to city or town.

24.—(1) The Lieutenant-Governor in Council may, by proclamation to take effect on some day to be named therein, add to any city or town any part or parts of an adjacent township or townships which he may consider it advisable to attach to such city or town.

Application for annexation.

(2) Any such addition may be made upon the application of the ratepayers of the territory proposed to be added or any of them or upon the application of the council of the city or town, and after such notice to the municipalities and persons interested as to the Lieutenant-Governor may seem meet.

Settling terms.

(3) The Lieutenant-Governor in Council may settle and determine the terms and conditions as to taxation, assessment, improvements and otherwise upon and subject to which any such addition shall be made.

Amendment of proclamation.

(4) The proclamation before it takes effect may be amended in any respect by a further proclamation.

Commission for obtaining information.

(5) The Lieutenant-Governor in Council for the purpose of obtaining such information as may be deemed necessary as to the expediency of making such addition, or as to the terms and conditions upon which the same shall be made may issue a Commission under *The Act respecting Inquiries concerning Public Matters*.

Rev. Stat., c. 19.

Proclamation to have force of law.

(6) The terms and conditions which shall be settled and determined by the Lieutenant-Governor in Council, and the proclamation declaring the same, shall have the same force

and

and effect and be as binding as if such terms and conditions were embodied in an Act of the Legislature.

(7) Provided that any proclamation issued hereunder may, at any time where the council of such city or town and any other parties interested agree that the said proclamation does not correctly set forth the terms and conditions as to taxation, assessment improvements or otherwise agreed upon, be amended to carry out such agreements. Proviso—Amendment of proclamation by consent of parties.

2. Section 95*a* of *The Consolidated Municipal Act, 1903,* is amended by inserting the word "Controllers" after the word "Mayor" in the fifth and ninth lines thereof, and by substituting the words "Board of Education" for the words "Public School Trustees" in the same lines, and by adding at the end of the section the following words: "and the said by-law shall remain in force from year to year until the same is repealed." 3 Edw. VII., c. 19, s. 95*a* amended. Nominations.

3. Section 106 of *The Consolidated Municipal Act, 1903,* is amended by inserting at the end of subsection (1) the following:— 3 Edw. VII. c. 19 s. 106 amended.

(*e*) In cities having a population of over 100,000 inhabitants, the poll clerks who shall act as such at the respective polling places. Appointment of poll clerk by by-law.

4. Section 106 of *The Consolidated Municipal Act, 1903,* is amended by adding the following subsection thereto: 3 Edw. VII. c. 19, s. 106 amended.

(3) In cities having a population of over 100,000 inhabitants the returning officers, deputy returning officers, and poll clerks shall be appointed by the council only on the recommendation of the city clerk, and such appointments shall be made, if possible, one month prior to the election, and in the case of new appointments of deputy returning officers and poll clerks they shall be chosen as far as possible to act at the polling places in the respective sub-divisions in which they reside. Election officers, how appointed.

5. Section 108 of *The Consolidated Municipal Act, 1903,* is amended by adding thereto the following subsections: 3 Edw. VII., c. 19, s. 108, amended.

(4) In case at the time appointed for holding a nomination or poll in cities having a population of over 100,000 inhabitants, the person appointed to be returning officer, or deputy returning officer, has died or does not attend the nomination or poll within an hour after the time appointed the poll clerk at such polling place shall act Death or absence of returning officers, etc.

as

as deputy returning officer, and he shall perform all the duties of a deputy returning officer, and may appoint some other person to act as poll clerk, but in case no returning officer or deputy returning officer or poll clerk authorized to act as aforesaid has been appointed the electors present at the place for holding the nomination or poll may appoint from amongst themselves a returning officer or deputy returning officer; and such returning officer or deputy returning officer shall forthwith proceed to hold the nomination or poll and shall have all the powers and perform all the other duties of returning officer or deputy returning officer.

3 Edw. VII., c. 19, s. 177, subs. 3 amended

6. Subsection (3) of section 177 of *The Consolidated Municipal Act, 1903*, is amended by inserting at the end thereof the words:

Delivery of packets by persons other than deputy returning officers.

"In cities having a population of over 100,000 inhabitants the deputy returning officer, in case he is not able to deliver such packets personally to the clerk owing to illness or other cause, shall deliver such packets to the poll clerk, or, in the case of his illness, to a person chosen by the deputy returning officer, and in other respects the provisions of this sub-section shall apply to the delivery of such packets."

3 Edw. VII., c. 19, s. 177 amended.

7. Section 177 of *The Consolidated Municipal Act, 1903*, is amended by adding the following sub-section thereto:—

Certificate as to last voter.

(7) In cities having a population of over 100,000 inhabitants, every deputy returning officer shall, at the close of the poll, and before the ballot box is opened, cause a certificate to be written in the poll book immediately after the name of the last voter therein, such certificate to be in the following form: *"We hereby certify that (fill in the name of the voter) was the last person who voted at this polling sub-division on the ———— day of ———— 190 ";* and such certificate shall be signed by the deputy returning officer, poll clerk, constable (if any) and any agent who may be present.

3 Edw. VII., c. 19, s. 179 amended.

8. Section 179 of *The Consolidated Municipal Act, 1903*, is amended by adding the following sub-section thereto:—

Scrutineers, etc., not to have votes.

(4) No person employed and paid by a candidate to act as scrutineer, or for any other purpose in connection

connection with municipal elections, shall be entitled to vote at such election.

9. Section 189 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection thereto: 3 Edw. VII., c. 19, s. 189 amended.

Council may ask recount.

(4*a*) At any time within four weeks from the time when the ballot papers are received by the clerk of the municipality, the council of a city having a population of over 100,000 inhabitants may, by resolution, direct a recount of the ballots cast at the preceding municipal election, if in the opinion of such council such recount is in the public interest, and such recount shall thereupon be held by the county judge, and the provisions of this Act so far as they relate to a recount shall *mutatis mutandis* apply to one so directed by the city council.

10. Section 235 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection thereto: 3 Edw., c. 19, s. 235, amended.

Ordering payment of costs where improper practices shown.

(1*a*) In cities having a population of over 100,000 inhabitants, in case an election has been held invalid owing to the improper refusal of the returning officer or deputy returning officer or poll clerk to receive ballot papers tendered by a duly qualified elector or to give ballot papers to duly qualified electors, or owing to any of such officers putting ballots into the ballot box which were not legally received from duly qualified electors, the Judge may, in his discretion, order the costs of the proceedings to unseat the persons declared elected, or any part thereof, or any other costs to be paid by the respondent, or by such returning officer, or deputy returning officer as the case may be.

11. Subsection 4 of section 276 of *The Consolidated Municipal Act, 1903*, is amended by substituting the figures "$2,500" for the figures "$1,000" in the third line thereof. 3 Edw. VII., c. 19, s. 276, subs. 4 amended.

Remuneration of controllers.

12. Subsection 4 of section 276*b* of *The Consolidated Municipal Act, 1903*, is amended by striking out all the words therein after the word "vote" in the third line thereof. 3 Edw. VII., c. 19, s. 276*b*, subs. 4 amended.

3 Edw. VII., c. 19, s. 276*b*, subs. 5 amended.

13. Subsection 5 of section 276*b* of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words: "Provided, however, that the year in which the nomination takes place shall be counted as one of the two years, although not fully completed when the nomination is made.

3 Edw. VII., c. 19, s. 276*b*, subs. 6 amended.

14. Subsection 6 of section 276*b* of *The Consolidated Municipal Act, 1903*, is repealed and the following inserted in lieu thereof:

(6) When at any such election in the City of Toronto less than four controllers are to be elected then each elector shall only have the right to vote for as many candidates as are to be elected.

Rev. Stat., c. 19, s. 276*b*, subs. 6*a* repealed.

15. Subsection 6*a* of section 276*b* of the said Act as added by section 5 of *The Municipal Amendment Act, 1904*, is repealed.

3 Edw. VII., c. 19, s. 420, subs. 1 amended. Investment of municipal funds.

16. Subsection 1 of section 420 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "municipality" in the ninth line of the said subsection the words "or in the debentures of loan companies whose debentures are authorized by law as investment for trust funds."

3 Edw. VII., c. 19, s. 476*a* amended. Right of corporation to enforce agreement validated by statute.

17. Section 467*a* of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "liabilities" in the seventh line thereof the following words: "or where contracts or agreements creating or imposing such duties, obligations or liabilities are or have heretofore been validated by statute."

3 Edw. VII., c. 19, s. 467 amended. Right to enforce agreements as if individual a party to action.

18. *The Consolidated Municipal Act, 1903*, is amended by adding after section 467*a* the following section thereto:

467*b*. In any such action such duties, obligations or liabilities may be considered adjudicated upon and enforced in as full and ample a manner as if such inhabitants or such portion thereof or an individual in a representative capacity or an individual on his own behalf had been a party to such action.

3 Edw. VII., c. 19, s. 473 amended. Controllers to be justices of the peace.

19. Section 473 of *The Consolidated Municipal Act, 1903*, is amended by inserting the words "controllers and" before the word "aldermen" in the fifth line thereof.

20.

20. Subsection 1 of section 536 of *The Consolidated Municipal Act, 1903*, is amended by adding the following proviso thereto: "Provided, however, that in cities the provisions as to the boundaries of polling sub-divisions, being streets, side lines, concession lines or the like, shall not be essential." 3 Edw. VII., c. 19, s. 536, subs. 1 amended. Boundaries of polling subdivisions.

21. Section 541*a* of *The Consolidated Municipal Act, 1903*, as enacted by section 19 of *The Municipal Amendment Act, 1904*, is amended by inserting the words "stables for horses for delivery purposes" before the word "laundries" in the third line of clause (*b*) thereof. 3 Edw. VII., c. 19, s. 541*a* amended.

22. *The Consolidated Municipal Act, 1903*, is amended by adding the following section thereto: City architect may deviate from by-law regulating erection of buildings in special cases.

542*b*. The council of any city having a population of 100,000 or over may pass by-laws authorizing the city architect, or other officer, appointed therefor to permit such deviation from the by-laws regulating the erection of buildings in special cases as in his opinion will afford proper and safe construction under the circumstances.

23. Section 550 of the said Act is amended by adding the following paragraph thereto: 3 Edw. VII., c. 19, s. 550 amended.

2*a*. For regulating the delivery and exposure for sale upon any street or streets, or in any market or public place or places, of the carcase of any animal, or of any meat, poultry, game, flesh, fish, fruit or milk, and to prevent the delivery and exposure of any such carcase of any animal, or of any such meat, poultry, game, flesh, fish, fruit or milk, unless the provisions of such regulations are fully complied with. Regulating the delivery or exposure for sale of meat, etc.

24. Section 551 of the said Act is amended by adding the following paragraph thereto: 3 Edw. VII., c. 19, s. 551 amended.

3*a*. For requiring the owners, contractors or master workmen engaged in the erection or construction of buildings or public works to provide proper and approved closet accommodation in connection with such building and public works. Conveniences to be provided by builders.

25. Section 552 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following as subsections 9, 10 and 11 thereof: 3 Edw. VII., c. 19, s. 552 amended.

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(9) By-laws may be passed by the councils of cities and towns for directing and regulating the payment by the owners, lessees or occupants of real property of the expense of collecting and disposing of ashes, refuse and garbage within the municipality, and by adding such expense to the collector's roll and collecting the same in like manner and with other municipal taxes.

(10) Such municipalities may provide by the same or any other by-law for the payment by the owners, lessees or occupants of real property of the expense of the collection and disposal of ashes, refuse and garbage within the municipality in any other manner than by adding the expense thereof to the collector's roll, or may collect for such services by action at law.

(11) The councils of cities or towns, or the officers thereof, may contract or agree with owners, lessees or occupants for the payment for services hereinbefore referred to, and in default of payment may collect the amounts from time to time due under such contract by action at law, or by adding said amounts to the collector's roll and collecting the same with other municipal taxes.

3 Edw. VII., c. 19, s. 569, subs. 5 amended.

Debts incurred for gas, waterworks, etc.

26. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto after the word "years" in the 21st line of the proviso in the said subsection contained, the words "or sufficient to pay any debt so incurred within such period in equal annual instalments, including principal and interest."

3 Edw. VII., c. 19, s. 583, par. 41, cl. *a* repealed.

Merchants' premium coupons, etc.

27. Clause (a) of paragraph 41 of section 583 of *The Consolidated Municipal Act, 1903*, is repealed, and the following substituted therefor:

(*a*) No such by-law shall apply to any merchant or manufacturer who places in or upon packages of goods, or delivers to purchasers of goods sold or manufactured by him at the time of such purchase, tickets or coupons, which bear upon their face the place of delivery thereof, together with the cash or merchantable value of the same, and are redeemable at any time, and only by the merchant or manufacturer giving

giving them and only at the store or factory where such goods were sold or purchased.

3 Edw. VII., c. 9, s. 591, par. 12 amended.

28. Paragraph number 12 to section 591 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following clause:

Applying payments made by persons bonused in payment of debentures and interest.

(*g*) Where the aid so granted is by way of loan or guarantee and payments on account of such loan or guarantee are by the terms of the by-law granting such aid, required to be made to the municipal corporation, from time to time, by the person to whom such aid is granted the by-law may provide that all moneys received from the person so aided or on account of such loan or guarantee shall forthwith after the receipt thereof be deposited to a special account in some chartered bank, and that the moneys standing at the credit of such special account, or a sufficient part thereof, at the time of settling the total annual rate and making up the collector's roll for any year shall be applied in or towards payment of the amount falling due in such year for principal and interest on account of debentures issued to pay such bonus and that the amount to be raised in such year shall be reduced to the extent of the sum so applied. No by-law heretofore passed providing for granting a bonus or aid by way of loan or guarantee to be repaid to the municipality from time to time shall be deemed to be invalidated by reason of such by-law providing that the moneys so to be received may be applied in or towards payment of the amount to be raised in any year by special rate to pay the amount falling due for principal and interest on account of the debentures issued to pay such bonus, but any such by-law shall be valid notwithstanding such provision.

3 Edw. VII., c. 19, s. 591*b* amended.

29. Section 591*b* of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following:

Concerning certain by-laws for exemption of manufactures.

Provided that in the case of any municipality in which the taxes for the year 1905 will be levied upon an assessment made in the year 1904 the municipal council may by a two-thirds vote of the members

members thereof continue any such exemptions heretofore granted so as to apply to and include taxes to be levied in the year 1905.

3 Edw. VII., c. 19, s. 600 amended.

30. Section 600 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "shall" in the second line thereof the words "from and after the date of the formation of such municipality," and by adding at the end thereof the words "and until such date the Lieutenant-Governor in Council shall have power to stop up, alter, widen, divert, lease or sell any original allowance for road or any part or parts thereof in unorganized territory."

3 Edw. VII., c. 19, s. 617*a*, subs. 5 amended.

31. Subsection 5 of section 617*a* of *The Consolidated Municipal Act, 1903*, is amended by inserting between the word "registration" and the word "the" in the eleventh line thereof the following words: "Subject to the determination of any appeal from the judge's order."

3 Edw. VII., c. 19, s. 617*a* amended.

32. Section 617*a* of the said Act is amended by adding thereto the following subsections:

Appeal from county judge's order as to bridges of 300 feet or over.

(7) There shall be an appeal from the decision or order of the judge to the Divisional Court of the High Court of Justice, and the proceedings incident thereto shall be the same, as nearly as may be as in case of an appeal from a judge of the High Court sitting in court.

Time for appeal.

(8) The appeal from any decision or order made under this section within six months before the passing of this amendment may be commenced within one month after the date of the passing thereof.

3 Edw. VII., c. 19, ss. 664, *et seq.*, amended.

33. Sections 664 to 671 inclusive and sections 672*a* to 686 inclusive of *The Consolidated Municipal Act, 1903*, are amended by adding the words "or board of police trustees of any police village incorporated under section 751 hereof" after the words "Village" "Incorporated Village" "Municipality" "Council" "Municipal Council" or "Corporation" wheresoever they appear therein and when the latter four expressions extend to and mean the council or corporation of any such incorporated village.

Extension of local improvement sections to police villages.

3 Edw. VII., c. 19, s. 671, subs. 5 amended.

34. Subsection 5 of section 671, of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the words

words "and in the case of Police Trustees in any village incorporated under section 751 hereof the board of police trustees shall be and form such Court of Revision." Court of Revision in police villages.

35. The paragraph numbered 2 of section 664 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words "or (*g*) for acquiring, laying out, improving or establishing any park, square or public drive," provided, however, that no by-law shall be passed under this section except upon petition, as provided in section 668 of the said Act; and provided that no park or square shall be acquired, laid out, improved or established under this section of a greater area than two acres. 3 Edw. VII., c. 19, s. 664, par 2 amended. Acquiring, etc., parks as local improvements.

36. Subsection 2 of section 672 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words: "Provided that any by-law for borrowing money by the issue of debentures for acquiring, establishing, laying out or improving any park, square or public drive may provide for the repayment of the loan at the maturity of the debentures as aforesaid at any time within a period of forty years from the date of the issue thereof." 3 Edw. VII., c. 19, s. 672, subs. 2, amended. Term of debentures for parks.

37. Subsection 1 of section 678 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "Act" in the 27th line thereof the words "except as to the portion of the cost which may be assumed by the municipality." 3 Edw. VII., c. 19, s. 678, subs. 1 amended.

38. Section 680 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "street" in the 5th line thereof the words "and except such portion of the cost as may be assumed by the municipality under sections 675*a* and 678." 3 Edw. VII., c. 19, s. 680 amended.

39. Section 694 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following paragraph: 3 Edw. VII., c. 19, s. 694 amended.

8. The council of any municipality which has heretofore or may hereafter grant a bonus to a railway company under the provisions of this section may by resolution or by-law extend from time to time the times fixed by the by-law granting such bonus for the commencement or completion respectively of the work, or for the issue of Time for issuing bonus debentures.

of the debentures and payment of the bonus relating thereto, but no such extensions shall be for a longer period than one year, and it shall not be necessary to submit any such by-law or resolution granting any such extension for the assent of the ratepayers of the municipality. The debentures authorized to be issued for the purpose of paying any such bonus may be issued at any time within two years after the passing of the by-law granting such bonus, or within such extended period or periods, and shall be deemed to be issued when they are duly signed, sealed and delivered to the treasurer of the municipality, to be sold or otherwise disposed of as the council may by by-law direct, and shall bear date on the date of issue.

3 Edw. VII., c. 19, s. 717 amended.

40. Section 717 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection:

Certain persons not disqualified as police trustees.

(2) No person shall be held disqualified from being elected a police trustee or a member of the board of police trustees of any police village incorporated under section 751 of this Act by reason of his being a shareholder in any incorporated company having dealings or contracts with any such police trustees or board, but no such shareholder shall vote at any meeting of such trustees or board on any question affecting the company. This subsection shall apply to any trustee elected for the year 1905 whose election has not been contested before the coming into effect of this Act.

3 Edw. VII., c. 19, s. 737 amended.

41. Section 737 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

Election of chairman and secretary of board of police trustees.

(2) After the incorporation of police trustees under section 751 of this Act such board shall at their first meeting in each year (or in the case of boards elected for the year 1905 then at a meeting held after the passing of this Act) elect one of their number to act as chairman and another to act as secretary of the board for the then current year, and until the next board shall take office, and such chairman and secretary shall have all the rights and powers and perform

perform all the duties that by this Act or any other Act pertain, respectively, to the position of reeve and clerk of an incorporated village.

3 Edw. VII., c. 19, s. 746, amended.

42. Subsection 1 of section 746*b* of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "mentioned" in the 3rd line the words "in section 553, subsection 4," and after the figure "1" in the third line thereof the words and figures "4, 5, 7, 8 and 9" and also by inserting after the figures "559" in the 4th line thereof the words and figures "and in section 560."

Powers of police trustees.

3 Edw. VII., c. 19, s. 751, amended.

43. Section 751 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

Board of police trustees to have seal, by-laws and contracts now authenticated.

(4) When the board of police trustees of any police village shall have been incorporated under section 751 of this Act they shall have a corporate seal to be in the custody of such member of the board as it may by resolution appoint, and all contracts and by-laws of the board shall be under the seal of the board and be signed by the chairman. Any such by-law or a copy thereof written or printed without erasure or interlineation and under the seal of the board and certified by one of the trustees to be a true copy shall be deemed authentic, and shall be received in evidence in any court of justice without proof of the seal or signature unless it is specially pleaded or alleged that the seal or signature has been forged.

3 Edw. VII., c. 19, s. 752, amended.

44. Section 752 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "village" in the 8th line the words "and save as hereinafter provided the board of police trustees with respect to the improvement, work or service to be undertaken under any such by-law shall possess all the powers and perform all the duties appertaining to the council of an incorporated village."

Powers of board of police trustees.

3 Edw. VII., c. 19, s. 752, amended.

45. Section 752 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsections:

Issuing debentures for work heretofore constructed.

(2) The debentures to be issued for any such improvements, works or service shall be issued by the board of police trustees under the hand of two

of

of the members of such board and the seal of the corporation.

(3) The council of the township or the councils of the townships in which a police village is situated may pass a by-law or by-laws guaranteeing the payment of any debentures so issued under this section.

(4) The board of police trustees shall have the power to pass by-laws authorizing the issue of debentures for the payment of the cost of construction of any of the works, services or improvements mentioned in section 664 and following sections of this Act, made, supplied, or performed within the limits of the police village, which may have been incurred at any time heretofore and which may at the date of such by-law of incorporation remain unpaid, and every such by-law shall be filed as aforesaid and all monies raised thereunder paid out as hereinbefore provided.

3 Edw. VII., c. 19, s. 754 amended.

46. Section 754 of *The Consolidated Municipal Act, 1903,* is amended by adding after the word "Act" in the 5th line thereof the words "and the provisions of section 104 of *The Judicature Act.*"

3 Edw. VII., c. 19, s. 708 amended.

47. Section 708 of *The Consolidated Municipal Act, 1903,* is amended by adding thereto the following subsection:

Payment over of fines in police villages.

(2) In case a Board of Police Trustees of any Police Village should be entitled to any such penalty or moiety thereof, as aforesaid, the same shall be paid to the Treasurer of the Township in which such Police Village is situate (or if in two Townships then to the Treasurer of such as the said Board may have appointed to receive the same for the use of such Police Village).

3 Edw. VII., c. 19, s. 746*a* amended.

48. Subsection 2 of Section 746*a* of *The Consolidated Municipal Act, 1903,* is amended by adding at the end thereof the words "and may agree that such constable "shall keep for his own use his fees of office or may re- "quire that the said fees shall be paid to the Treasurer "of the Township or one of the Townships in which the "Police Village is situate, for the benefit of such Police "Village."

49. Subsection 1 of Section 755 of the said Act is amended by inserting the words "or in any other kind of action" after the word "section," in the second line thereof, and by inserting after the word "Act" in the seventh line the words "or certified by the Sheriff of any County under his "hand and seal of office, as being due and payable under "an execution in force in his hands against such Board." 3 Edw. VII., c. 19, s. 755, subs. 1 amended. Execution against board of police trustees.

50. Section 755 of *The Consolidated Municipal Act, 1903*, is further amended by adding thereto the following subsection: 3 Edw. VII., c. 19, s. 755 amended.

(3) When the Sheriff receives a writ of execution in an action against the Police Trustees or Board of Police Trustees of any Village, other than an action in the next preceding two subsections of this section mentioned, which shall remain unpaid for one month, he shall forthwith forward a copy of such Writ, and a demand for payment, under his hand and seal of office, to the Treasurer of the Township or the Treasurers of the Townships within which is situated the Police Village, who shall thereupon pay the amount claimed over to such Sheriff out of the moneys in his or their hands to the credit of the Police Village, and in case there are not sufficient unappropriated moneys on hand to the credit of the Police Village for the purpose, any amount so paid shall be raised and levied by special rate upon all the assessable property in the Police Village in the same manner as other municipal taxes. Levying rate to pay judgments.

51. Section 757 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection: 3 Edw. VII., c. 19, s. 757 amended.

(2) The Board of Police Trustees of any Police Village shall have the same powers as are conferred upon the Councils of Villages by section 702 of this Act, and wherever the words "corporation," "council," "municipal council," or "municipal corporation" shall appear in sections 702 to 707, and 709 to 712, inclusive, the same shall include a Board of Police Trustees and a Police Village. The words "municipal by-law" shall, where the same appear therein, include a by-law passed by a Board of Police Trustees. The words "lock-up" or "lock-up house" of the municipality shall be deemed to be the lock-up of the Township in which such Police Village is situate. Recovery of penalties, etc., by police trustees.

CHAPTER

CHAPTER 23.

An Act to amend The Assessment Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Assessment rolls may be returned up to 20th May, 1905

1. Notwithstanding anything in *The Assessment Act* contained requiring the return of the assessment roll of any municipality on or before the 30th day of April every such assessment roll returned in the present year, 1905, after the 30th day of April, but on or before the 20th day of May, shall be deemed to have been duly and legally returned, and the assessor of any such municipality shall not be liable to any penalty by reason of the non-return of such roll on or before the 30th day of April.

CHAPTER 24.

An Act to amend the Act respecting the Establishment of Municipal Institutions in Territorial Districts.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat. c. 225, s. 45 repealed.

1. Section 45 of *The Act respecting the Establishment of Municipal Institutions in Territorial Districts* is repealed, and the following substituted therefor:

Appeals from Court of Revision.

45. Notwithstanding anything in *The Assessment Act* or in any special Act contained, an appeal shall lie from the decision of the council or of any Court of Revision upon any complaint in respect of the first or any subsequent assessment to the district judge in the same manner as to the county judge in other municipalities, and such appeal shall lie whether the municipality was organized under any general Act relating to municipal institutions or to municipalities of any class, or was incorporated by special Act or otherwise.

Rev. Stat., c. 225, ss. 46, 48, 49 amended.

2. Sections 46, 48 and 49 of the said Act are amended by striking out the words "or stipendiary magistrate" or "magistrate" wherever they occur in the said sections.

Rev. Stat., c. 225 amended.

3. The said Act is further amended by adding thereto the following section:

Appeals to judge of High Court where large amounts involved.

48*a*.—(1) Where there is an appeal from any municipal council or Court of Revision under section 45 of this Act, to the district judge, and a person desiring to appeal has been assessed upon one or more properties to an amount aggregating $10,000 such person may, if he so desires,

appeal

appeal to a Judge of the High Court in Chambers at Toronto instead of to the said district judge, and such appeal to the said judge in chambers shall be upon the like notice and otherwise as in the case of an appeal to the district judge under this Act, and the said Judge of the High Court in Chambers shall have the like powers, and shall perform the like duties in respect of such appeal as are performed by the county judge in like cases in other municipalities.

Appeal to Court of Appeal.

(2) An appeal shall lie to the Court of Appeal from any judgment or decision of the said Judge of the High Court in Chambers, and subject to any rule of court relating to such appeals, the procedure shall be as far as may be the same as upon an appeal from the county court to the High Court. The appeal shall be heard by three or more judges of the Court of Appeal, and the decision of such judges or a majority of them shall be final and conclusive.

Powers of judge or Court on Appeal.

(3) Upon an appeal upon any ground against an assessment the district judge or the Judge of the High Court in Chambers or the Court of Appeal, as the case may be, may re-open the whole question of the assessment so that omissions from or errors in the assessment roll may be corrected, and the accurate amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed upon the roll by the judge of the court, and, if necessary, the roll of any particular ward or sub-division of the municipality even if returned as finally revised may be opened so as to make the same correct in accordance with the finding of such judge or court.

CHAPTER

CHAPTER 25.

An Act to amend the Act to provide for the Incorporation of Towns in Territorial Districts.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Neglect to file declaration of qualification not to disqualify councils elected under 3 Edw. VII., c. 19.

1. Notwithstanding anything in *The Consolidated Municipal Act, 1903*, or in "The Act to provide for the incorporation of towns in Territorial Districts," contained it shall be deemed to be and to have been a sufficient compliance with the provisions of the said Acts in that behalf if a member of the municipal council of the town incorporated under the said Act to provide for the incorporation of towns in Territorial Districts shall have filed a declaration of qualification required by *The Consolidated Municipal Act, 1903*, prior to the first of July, 1905, and the failure to comply with the provisions of *The Consolidated Municipal Act, 1903*, in that behalf shall not affect the validity of the election of any such council or the qualification of any member thereof or any by-law or resolution passed or any act, matter or thing done or relating to such council.

3 Edw. VII., c. 19, s. 91 amended.

2. Section 91 of *The Consolidated Municipal Act, 1903*, is amended by inserting the words "or town" after the word "village" in the fourth line of the said section.

CHAPTER

CHAPTER 26.

An Act to amend The Public Libraries Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 232, s. 9, subs. 2 amended.

1. Section 2 of section 9 of *The Public Libraries Act* is amended by adding thereto the following words:

"And no person shall be appointed who is not a British subject."

CHAPTER 27.

An Act to further amend The Act for the Improvement of Public Highways.

Assented to 25th May, 1905.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. *The Act for the Improvement of Public Highways* is amended by inserting therein the following section:— 1 Edw. VII., c. 32 amended

Amount of aid which may be granted.

6*a* The Lieutenant-Governor in Council may by Order-in-Council direct the payment to any county corporation out of the fund set apart under this Act, a sum equal to one-third of the amount expended by the county upon such roads as have been designated by the by-law approved of by the Lieutenant-Governor in Council, as provided by section 4 of the Act passed in the 3rd year of His Majesty's reign chaptered 26.

2. Section 10 of the said *Act for the Improvement of Public Highways*, is repealed and the following substituted therefor: 1 Edw. VII., c. 32, s. 10 repealed.

Statute labour, application of upon roads added.

10. The council of any township may by by-law direct that the statute labour for which lands fronting on roads in such township constructed or repaired under this section may from year to year be liable may be commuted, and the amounts so received may be paid over to the county and applied in repairing such roads and in removing snow therefrom and keeping the same open during the winter months.

3. Section 4 of the said *Act for the Improvement of Public Highways* as amended by section 2 of the Act passed in the 3rd year of His Majesty's reign chaptered 26 and by section 67 of *The Statute Law Amendment Act 1904*, is repealed. 1 Edw. VII., c. 32, s. 4, repealed.

Roads in respect of which aid granted to be county roads.

4. All roads constructed or repaired under the said Act for the improvement of Public Highways and for the construction or repair of which aid may hereafter be granted out of the fund set apart under the said Act shall thereafter be deemed to be county roads and shall be maintained and

 kept

kept in repair by the Corporation of the county in which such roads are situate.

1 Edw. VII., c. 32, s. 2, subs. 1, amended.

Time within which county by-law to be passed.

5. Subsection 1 of section 2 of the said *Act for the Improvement of Public Highways* as amended by section 66 of *The Statute Law Amendment Act 1904* is further amended by striking out the figures "1906" in the second line and inserting the figures "1907" in lieu thereof.

CHAPTER

CHAPTER 28.

An Act to amend The Act to regulate the Speed and Operation of Motor Vehicles on Highways.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Act to Regulate the Speed and Operation of Motor Vehicles on Highways*, as amended by section 70 of *The Statute Law Amendment Act, 1904*, is hereby amended by inserting after the word "back" in the fifth line thereof the words "of the body;" by inserting after the word "vehicle" in the sixth line thereof the words "securely fixed;" and by striking out the word "three" in the last line thereof and inserting in lieu thereof the word "five." 3 Ed. VII., Cap. 27 s. 4 amended.

2. Section 5 of *The Act to Regulate the Speed and Operation of Motor Vehicles on Highways* is hereby amended by inserting after the word "carry" in the sixth line thereof the words "in the front thereof," and after the word "prominently" in the ninth line thereof the words "upon the glass of such lamps in the front of such vehicle," and by adding to said section the words "and such numbers to be of such size and design and displayed in such manner as may be determined by the Lieutenant-Governor in Council." 3 Ed. VII., cap. 27, sec. 5 amended.

3. Section 8 of *The Act to Regulate the Speed and Operation of Motor Vehicles on Highways* is amended by inserting after the word "same" in the eighth line thereof the words "and shall not approach such vehicle or horse within one hundred yards or pass the same going in the same or opposite direction at a greater speed than seven miles per hour," and by striking out the words "if requested by signal or otherwise by the driver of such horse or horses." 3 Ed. VII., cap. 27, sec. 5 amended.

Rev. Stat. c. 236 made applicable to Motor Vehicles.

4. *The Act to Regulate Travelling on Public Highways and Bridges* shall, *mutatis mutandis*, apply to motor vehicles.

Motor owner responsible.

5. The owner of a motor vehicle for which a permit is issued under the provisions of this Act shall be held responsible for any violation of the Act or of any regulation provided by order of the Lieutenant-Governor in Council.

Motors to be locked when unused.

6. Every motor vehicle operated in this Province shall be provided with a lock, key or other device to prevent such vehicle being set in motion, and no vehicle shall be permitted to stand or remain unattended in any shed, avenue, road, highway, park, park-way, or other public place without first locking or making fast the vehicle.

Provincial Secretary may revoke license.

7. The Provincial Secretary may at any time suspend or revoke any permit or license issued under the provisions of this Act on account of any misconduct of the holder of such license or infraction of the provisions of this Act or regulations provided thereunder.

Provincial Secretary to furnish copies of Act and lists of licenses.

8. The Provincial Secretary shall furnish all Clerks of the Peace in the Province with copies of this Act and the Act hereby amended, for distribution to the constables of all counties and municipalities, and he shall also provide copies of this Act and the Act hereby amended to the clerks of municipalities, to be posted up in conspicuous places, and shall furnish on the first days of May and September in each year to the clerks of all municipalities in the Province lists of all persons to whom licenses or permits are issued.

In case of accident onus cast upon motor owners.

9. When any loss or damage is incurred or sustained by any person through the frightening of a horse or horses or other animals by a motor vehicle, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of such motor vehicle.

Commencement of Act.

10. This Act shall take effect on, from and after the fifteenth day of July, 1905.

CHAPTER

CHAPTER 29.

An Act to amend The Act respecting Circuses and Travelling Shows.

Assented to 25th May, 1905.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 2 of *The Act respecting Circuses and Travelling Shows* passed in the 3rd year of His Majesty's reign is amended by striking out the words "twenty cars or over" in the 10th line of the said section and inserting in lieu thereof the words "over twenty cars" and by striking out the words "under twenty cars" in the 11th line of the said section and inserting in lieu thereof the words "twenty cars or less." 3 Edw. VII., c. 28, s. 2 amended.

CHAPTER

CHAPTER 30.

An Act to amend The Liquor License Act.

Assented to 25th May, 1905.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat., c. 245, s. 78, subs. 1, amended.

1. Subsection 1 of section 78 of *The Liquor License Act* is amended by striking out all the words after the word "offence" in the eighth line thereof.

Rev. Stat., c. 245, s. 44, subs. 1, amended.

Fee on transfer.

2. Section 44 of *The Liquor License Act* is amended by adding at the end of subsection 1 the following:

For every transfer or removal of a license a fee amounting to one-half the fee payable to the Province under this Act shall be paid.

Fines, when to belong to Province.

3. In all cases in which prosecutions under *The Liquor License Act* are brought by an inspector or other officer appointed by the Crown under the said Act, the fine imposed shall, when collected, belong to the Province.

Act to be read with Rev. Stat., c. 245.

4. This Act shall be read with and as part of *The Liquor License Act*, and the provisions of the said Act shall be subject to the enactments hereinbefore contained.

CHAPTER 31.

An Act to amend The Act respecting Brewers and Distillers' and other Licenses.

Assented to 25th May, 1905.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 3 of *The Act respecting Brewers' and Distillers' and other Licenses* is amended by adding thereto the following subsection:— 62 Vic., (2) c. 31 s. 53 amended.

(2) A brewer or distiller holding a Brewer's Provincial License or a Distiller's Provincial License, respectively, may upon the payment of the additional fee by this Act provided, take out one or more licenses to be known as a Brewer's Warehouse License or Licenses or a Distiller's Warehouse License or Licenses, respectively, Warehouse licenses.

2. The said Act is further amended by adding thereto the following sections:— 62 Vic. (2) c. 31 amended.

5*a* A Brewer's or Distiller's Warehouse License shall be an authority for the holder thereof to maintain and keep in any city or town for which such license may be issued a warehouse for the storage of unbroken packages of beers or spirits manufactured by him, and to sell and supply therefrom to customers such beers or spirits in the quantities by this Act authorized to be sold under their respective Provincial Licenses in their respective license districts. Warehouse license what authorized by.

7*a* (1) The annual fee to be paid for a Brewer's Warehouse License shall be the following:— Fees for brewers' warehouse licenses.

In cities or towns having a population under 20,000, $100.

In cities or towns having a population of 20,000 and under 100,000, $200

In

In cities or towns having a population of over 100,000, $300

Fees for distillers' warehouse licenses.

3. The amount to be paid for a Distiller's Warehouse License shall be double the amount herein fixed to be paid for Brewer's Warehouse License.

52 Vic., (2) c.31, s. 11 amended.

4. Subsection 1 of section 11 of the said Act is amended by striking out the word "and" in the first line thereof and inserting after the word "Licenses" in the second line thereof the following words, "and Brewers' and Distillers' Warehouse Licenses."

CHAPTER

CHAPTER 32.

An Act to amend The Public Health Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat. c. 248, s. 72, amended

72*a*. No person shall keep or store any rags, bones or other refuse in any building used as a dwelling, or upon any premises within the municipality unless the same are kept or stored in a suitable building, approved of by the Medical Health Officer. Storing rags, etc.

CHAPTER 33.

An Act to amend The Ontario Game Protection Act.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

63 V. c. 49, s. 4 subs. 5, amended.

1. Subsection 5 of section 4 of *The Ontario Game Protection Act* is amended by striking out the figures "1905" in the fifth line and inserting in lieu thereof the figures "1910"

63 V. c. 49, s. 5, subs. 1 amended.

2. Subsection 1 of section 5 of the said Act is amended by striking out the figures "1905" in the third line and inserting in lieu thereof the figures "1910."

63 V. c. 49, s. 15, subs. 2, amended.

3. Subsection 2 of section 15 of the said Act is amended by striking out the figures "1905" in the last line and inserting in lieu thereof the figures "1910."

63 V. c. 49, s. 15 amended.

4. Section 15 of *The Ontario Game Protection Act* is amended by adding thereto the following subsection:—

When hides of deer, etc., not to be received.

(4) No merchant, warehouseman or other person shall receive for the purpose of storage, manufacture or sale the hide or skin of any deer, elk or reindeer between the thirty-first day of December in any year and the first day of November of the following year or the hide or skin of any moose or caribou between the thirty-first day of December and the sixteenth day of October in the following year, nor shall any such merchant, warehouseman or other person have any such hide or skin of any deer, elk or reindeer in possession for storage or sale, between the thirty-first day of December and the first day of November or the hide or skin of any moose or caribou between the thirty-first day of December and the sixteenth day of October of the following year, unless the chief game warden shall issue a permit in writing to such merchant, warehouseman or other person to store such hides or skins for the purposes aforesaid, but no such permit, unless renewed by endorsement thereon, shall remain in force for a longer period than three months.

5.

5. Subsection 1 of Section 16 of the said Act is repealed and the following substituted therefor :— 63 V. c. 49, s. 16, subs. 1, repealed.

Common carriers as to transportation of deer, etc., during the close season.

(1) No common carrier or other person shall transport or receive, or have in possession for any purpose in this Province any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof unless there is attached thereto one of the shipping coupons belonging to a license authorizing the shipper to hunt or kill the same as provided in this Act together with an affidavit of the shipper (if required) that the same was legally hunted or taken, and no such common carrier or other person shall transport or receive or have in his possession for that purpose in this Province any deer, elk or reindeer, or any head, skin or other part thereof between the first day of December and the first day of November in the year following, or any moose or caribou or any head, skin or part thereof between the first day of December and the 16th day of October in the year following.

6. Subsection 1 of section 22 of the the said Act is amended by striking out the word "four" in the fifth line of the said subsection and inserting in lieu thereof the word "seven." 63 V. c. 49, s. 22, subs. 1, amended. Number of wardens.

7. Subsection 4 of section 22 of the said Act is repealed and the following substituted therefor :— 63 V. c. 49, s. 22, repealed.

Certain officers to be *ex-officio* justices of the peace for purposes of the Act.

(4) The Chief Game Warden and the other game wardens and those members of the Provincial Police Force known as Inspectors of Criminal Investigations having taken the oath of office hereinafter prescribed shall be Justices of the Peace for all the purposes of this Act and of any regulations made under the authority thereof, and shall have power as such justices to take informations and issue warrants or summonses in any County or District of the Province, the same to be returnable in the County or District in which the offence charged in such summons or warrant is alleged to have been committed.

8. Clause *a* in subsection 4 of section 4 of the said Act is amended by striking out the words "and hares" at the end of the second line of the said clause. 63 V. c. 49, s. 4, subs. 4, amended.

9. Section 4 of the said Act is amended by adding thereto the following clause :— 63 V. c. 49, s. 4, amended.

Close season for hares.

(*g*) Hares between the 31st day of December and the 1st day of October in the following year.

CHAPTER.

CHAPTER 34.

An Act to amend The Act respecting Boards of Education in certain cities.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

3 Edw. VII., c. 31, s. 2, amended.

One vote only for each candidate.

1. Subsection 3 of section 2 of *The Act respecting Boards of Education in Certain Cities*, passed in the 3rd year of His Majesty's reign, and chaptered 31, is amended by striking out all the words after the word "board" in the third line, and inserting the following words in lieu thereof: "but not more than one vote to each candidate."

CHAPTER 35.

An Act to incorporate The University Residence Trustees.

Assented to 25th May, 1905.

Preamble.

WHEREAS a Students' Residence in connection with the University of Toronto is essential in the best interests of the University and of the students themselves; and whereas an opportunity is now afforded by proposed assistance from generous benefactors to secure the establishment of such residence; and whereas the trustees hereinafter named have consented to act as a board to receive donations and to erect the residence and to manage and administer the same in connection with said University, and in harmony therewith, and with the broad and liberal lines upon which said University is established;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The trustees hereinafter named and their successors in office are hereby constituted a corporation under the name of The University Residence Trustees, hereinafter called the "Board," for the purposes and with the powers herein mentioned.

Appointment of Chairman and Secretary.

2. The trustees shall from time to time appoint one of their number to be chairman of the Board. The Board may appoint a secretary and such other officers and employees as may be deemed necessary.

Grants, gifts, devises, bequests, etc., of land, monies personal property, etc., to board authorized.

3. In connection with the purposes and powers of the Board all persons and corporations may grant, devise and bequeath to the Board, and notwithstanding any Act or law respecting mortmain and charitable uses, the Board may acquire and take by purchase, lease, gift, devise, bequest or otherwise, and may continue to hold lands or tenements

ments or interests therein, monies and personal property, and the Board may execute and carry out any trusts and terms upon which any lands or interests therein or personal property may be devised, bequeathed, granted or conveyed to it.

Trustees of University of Toronto authorized to lease lands to Board for nominal consideration.

4. The Trustees of the University of Toronto may for a nominal consideration lease or convey to the Board for the purposes of and in connection with residences for students as hereinafter mentioned such lands vested in them as they may deem proper, provided always that no lands which may have been declared by the Lieutenant-Governor to be required for the accommodation of the University of Toronto or University College, or necessary to be retained for or in connection with the extension thereof shall be leased or conveyed under the authority of this Act without the consent of the Lieutenant-Governor in Council.

Erection of buildings, etc., authorized.

5. The Board may from time to time erect, equip, manage, administer and maintain upon any lands leased to or otherwise acquired by it, all such buildings, improvements and conveniences as in its judgment may be suitable or required for the purposes of and in connection with residence for students in attendance at the University of Toronto, or at any of the colleges or schools affiliated therewith, and for such others as the Board may think proper to admit to such residence; and the board may provide in such buildings or elsewhere accommodation for the boarding of said students and others, also such rooms, halls or other accommodation for university or college purposes as it may think expedient, and the Board may make and carry out such arrangements by way of lease or otherwise respecting the use of such rooms, halls and other accommodation with the University of Toronto, or with any of the affiliated colleges or schools, or with the trustees or other bodies representing or acting therefor as may be agreed on.

Borrowing of money authorized.

6. The Board may, for the purposes of its undertaking and no others, borrow money from time to time, and secure its repayment.

By-laws for management of affairs of Board and for exercise of powers.

7. The Board may make and pass by-laws, rules and regulations, not contrary to law, or to the provisions of this Act, with respect to the conduct and management in all respects of the purposes and affairs of the Board, and the exercise of the powers hereby conferred, including among all other matters the calling of meetings of the Board, the chairmanship, the quorum, and the procedure

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in all things at such meetings, the appointment, functions, duties and removal of all officers, agents and servants of the Board, and their renumeration, the management and administration of residences, and the terms of admission thereto and residence therein, and of all matters and things connected therewith; and the Board may confer upon the officers and persons employed in connection with the residence such powers of administration and discipline as it may think proper.

Exemption from taxation.

8. All real and personal property of the Board shall be exempt from all provincial, municipal, or other taxation,

Members of first Board.

9. The following persons shall be the first Board under section 1 of this Act, viz.:

Edwin Canfield Whitney, of Ottawa; The Honourable Samuel Hume Blake; Zebulun Aiton Lash; Joseph Wesley Flavelle; and William Thomas White, of Toronto; The Chancellor for the time being of the University of Toronto, and the President for the time being of said university, shall be *ex-officio* members of said Board, provided that in the absence of the chancellor from any board meeting the vice-chancellor may act thereat in his place, and in the absence of the president from any board meeting the vice-president may act thereat in his place.

Filling of vacancies.

10. Upon a vacancy occurring by death, resignation or otherwise in the office of any of the said trustees, other than the *ex-officio* members, his successors shall be appointed by the remaining members of the Board who are not *ex-officio* members, or by a majority of them.

CHAPTER

CHAPTER 36.

An Act to amend an Act setting apart certain Wild Lands of the Crown in addition to those previously set apart for the use of the University of Toronto.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

3 Edw. VII., c. 36, s. 1, amended.

1. Section 1 of an Act passed in the third year of the Reign of His Majesty, Chaptered 36, and intituled *An Act setting apart certain Wild Lands of the Crown, in addition to those previously set Apart for the Use of The University of Toronto,* is hereby amended, by striking out the words "Four townships of six miles square," and inserting in lieu thereof the figures and word, "92,160 acres."

CHAPTER 37.

An Act respecting the University of Toronto.

Assented to 25th May, 1905.

Preamble.

WHEREAS it is desirable that the Trustees of the University of Toronto should be enabled to assist in reorganizing the Toronto General Hospital so as to constitute it a Provincial Hospital in which clinical facilities shall be provided for the Faculty of and the students in medicine of the University, and by means of which study and research for the promotion of public health and the prevention of disease may be prosecuted; and whereas it is necessary, in order to meet the pressing requirements of the University, to enable it to keep pace with the growth and development of the Province and to provide for the needs of higher education, especially in the Scientific Departments of the University, that a new building for the accommodation and use of the Department of Physics should be erected and equipped: that buildings and equipments for instruction in and the study of Forestry and Botany be provided, and that an addition to the new building of the Faculty of Applied Science and Engineering should be made for a Museum in connection with that Faculty; and whereas it is of great and pressing importance that suitable residences should be erected upon the lands of the University and University College for the accommodation of the students thereof, including an extension of the Women's Residence which has already been provided; and whereas an opportunity is now afforded by proffered assistance from generous benefactors to secure the accommodation for about 180 men students in residence, by an outlay on the part of the University and University College of about $50,000: and whereas it is necessary that the fund raised by the Alumni and friends of the University for the erection of a Convocation Hall should be further supplemented to enable the work to be proceeded with; and whereas the total expenditure needed to erect the said Hospital and other buildings is the sum of $1,600,000; and whereas the endowment of the University

 and

and University College is insufficient to justify the expenditure from it of so much of the sum necessary to carry out the objects aforesaid as is required to be provided by the Trustees, and the Trustees have represented that if an annual grant of $30,000 for thirty years be made to them out of the Consolidated Revenue Fund they will be enabled by means of it to raise the requisite capital sum for the purposes aforesaid; and whereas it is expedient that the said grant should be made and that authority should be given to the Trustees to apply out of the present endowment of the said University and University College a sum not exceeding $50,000 in and towards the founding and establishment of the said proposed Provincial Hospital; and whereas it is also expedient to give to the Trustees the other powers hereinafter mentioned; and whereas it is also expedient to further aid the said University and University College by setting apart for them the wild lands hereinafter mentioned:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as *The University Act, 1905*.

Lieutenant-Governor-in-Council may agree to pay University trustees $30,000 per annum.

2. For the purposes mentioned in the preamble of this Act, the Lieutenant-Governor-in-Council may on behalf of the Province of Ontario, contract with the Trustees of the University of Toronto to pay to them an annual sum or sums not exceeding in all thirty thousand dollars per annum for a period not exceeding thirty years, commencing on the first day of July, 1905, on such terms and conditions as to the application of the proceeds thereof as may to him seem meet, and the said payments shall form a charge on the Consolidated Revenue Fund of the Province, and shall be paid out of any unappropriated moneys thereof.

Certificates may be issued for sums granted.

3. Certificates in the form set out in the Schedule to this Act may be issued in respect and for the payment of any sum or sums which may be so granted as aforesaid.

Trustees may raise money on certificates.

4. The Trustees of the University of Toronto may hypothecate, sell, convert into money and assign the said certificates or any of them.

Application of $300,000 towards Toronto General Hospital and $50,000 for residence.

5. The said Trustees may with the approval of the Lieutenant-Governor-in-Council, apply of the money so to be raised as aforesaid a sum not exceeding $250,000 in and towards the reorganizing as aforesaid of the Toronto General Hospital

Hospital, on such terms and conditions as may be agreed on between them and the Trustees or other governing body of the said Hospital, and may apply out of the endowment of the University and University College, for the like purpose any sum not exceeding $50,000 as they may deem proper, and they shall apply out of the moneys to be raised as aforesaid a sum of not less than $50,000 in and towards the erection of the said residences for men students.

Trustees authorized to advance $60,000 for Convention Hall.

6. The said Trustees may also advance out of the present endowment of the University and University College a sum not exceeding $60,000 to aid in the erection of the said Convocation Hall, which advance shall be recouped to such endowment out of the proceeds of the sale of the wild lands set apart for the University and University College by the Act of the Province of Ontario passed in the 60th year of the reign of Her late Majesty, Queen Victoria, chaptered 59 and by this Act.

Setting apart additional wild lands of the Crown for University.

7. In order to further aid the said University and University College the Lieutenant-Governor in Council may set apart for the said University and University College, in addition to the townships set apart by the said Act passed in the 60th year of the reign of Her late Majesty, Queen Victoria, Chaptered 59, six townships of six miles square of the Crown lands of this Province which may be selected from the same localities as those mentioned in Section one of the said Act, and all the provisions of the said Act applicable to the townships therein mentioned not inconsistent with this Act shall apply to the townships set apart under the authority of this Act.

Aid granted by Act to be in addition to former appropriations.

8. The aid hereby authorized to be granted to the said University and University College is and shall be in addition to the purchase money of the former site of the Parliament Buildings on Front Street which the Lieutenant-Governor in Council is hereby authorized and empowered by Order-in-Council to direct to be paid over, when the same shall be received, to the Trustees of the said University, to be applied by them in and towards the erection of buildings for the accommodation of the Department of Physics of the said University.

Trustees authorized to advance $50,000 for site for Hospital.

9. The said Trustees may also advance to the Trustees or other governing body of the said Hospital a sum sufficient with the $50,000 mentioned in Section 5 of this Act to pay for the cost of the site thereof, upon such security and to be repaid as shall be agreed upon between the said Trustees and the Trustees or other governing body of the said Hospital.

Trustees authorized to purchase lands and to purchase interest of lessees.

10. The said Trustees may, subject always to the limitation of any trust as to the same, invest so much of the endowment and permanent funds of the University and University College as they may deem expedient and shall be approved by the Lieutenant-Governor-in-Council in the purchase of freehold lands and in acquiring the interest of any of their lessees in the lands demised to them and the buildings thereon.

City of Toronto authorized to grant $200,000 to Provincial Hospital.

11. The Council of the City of Toronto may pass a by-law or by-laws for making grants not exceeding $200,000 in all to aid in purchasing a site for the Provincial Hospital in this Act mentioned and for creating a debt therefor and for the issue of debentures for the amount of such debt and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof. Any debentures issued under the authority of this section shall be made payable in forty years at furthest from the time or times when the same are issued.

SCHEDULE A.

This is to certify that under and by virtue of an Order-in-Council made by the Lieutenant-Governor of the Province of Ontario, dated the day of under the authority of *The University Act*, 1905, the Trustees of the University of Toronto are entitled to receive from the Province of Ontario the annual sum of $ payable on the 30th day of June in each and every year until and inclusive of the year 193 , and it is hereby further certified that the Province of Ontario will upon the 30th day of June, 19 , upon delivery of this certificate to the Treasurer of the said Province of Ontario pay to the Trustees of the University of Toronto or its assigns the sum of $ being the amount of the annual sum payable on that day .

This certificate is transferable from time to time by transfer made by special endorsement thereon.

Issued by the Treasurer of Ontario this day of A.D. 19 , in accordance with Order-in-Council dated the day of A.D. 19 .

Provincial Treasurer.

Countersigned:

Assistant Treasurer.

Provincial Auditor.

CHAPTER 38.

An Act to amend the Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

Assented to 25th May, 1905.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 319, s. 5, repealed.

1. Section 5 of *The Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind* is repealed and the following substituted therefor:

Minister of Education to have control of institutions.

"5. The Minister of Education by inspection or otherwise shall from time to time make such inquiry into the character and efficiency of these institutions as he may deem expedient."

Rev. Stat., c. 319, s. 6, subs. 1 amended.

2. Subsection 1 of section 6 of the said Act is amended by striking out the word "Inspector" in the first line and substituting therefor "Minister of Education."

Rev. Stat., c 319 s. 7, amended.

3. Section 7 of the said Act is amended by striking out the words "Inspector of Prisons and Public Charities," "Provincial Secretary" and "Inspector" wherever they occur in the said section and inserting in lieu thereof the words "Minister of Education."

CHAPTER

CHAPTER 39.

An Act respecting the Town of Amherstburg.

Assented to 25th May, 1905.

Preamble

WHEREAS the Corporation of the Town of Amherstburg has by its petition represented that under By-law number 197a, of the said corporation a bonus of $10,000, was granted to The Sandwich, Windsor & Amherstburg Railway in aid of the said railway which bonus became due and payable according to the terms of said by-law upon the execution of the agreement therein provided for and the completion and operation of the said railway as therein set forth on or before the 11th day of November, 1903; and whereas before the final passing thereof the said by-law was submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act* and was approved by a large majority of the ratepayers of the said town (only thirty-six ratepayers voting against the said by-law) and was finally passed by the council of the said town; and whereas after the passing of said By-law No. 197a, and the execution of the said agreement and the completion of the said railway, the said Sandwich, Windsor and Amherstburg Railway brought an action in the High Court of Justice for Ontario to recover the said bonus of $10,000 and accrued interest, which action was subsequently settled between the parties thereto and embodied in an agreement made and entered into bearing date the 20th day of May, 1904, wherein it was agreed among other things that the said Railway Company should accept the sum of $6,000 and interest from the 1st day of October, 1904, in lieu of the said sum of $10,000 and interest sued for as aforesaid, which settlement and agreement was ratified and embodied in a by-law of the said Corporation of Amherstburg Number 247a, passed on the 23rd day of May, 1904, all of which by-laws and agreements are set forth in the schedules annexed to this Act; and whereas none of the debentures authorized by the said by-law No. 197*a* have

have been issued and no rates have been levied and collected thereunder and it is desirable that the said By-law Number 247*a*, be ratified, confirmed and legalized and that the corporation be authorized to issue a sufficient number of debentures to meet the payment of the said sum of $6,000 and interest and that the said corporation be relieved from the issue of any of the debentures and the levy and collections of moneys thereunder provided in the said by-law No. 197*a*; and whereas it is further represented by the said petition that the said Corporation of the Town of Amherstburg has incurred a floating debt amounting to $12,000, made up for the greater part as follows:—$1,473.23 for costs of litigation; $1,839.71 for permanent improvements in connection with the electric light plant of the said town; $2,087.13 for repairs and improvements to the town hall; $729.96 for the purchase of and repairs to the pavilion and dock; $1,111.92 for expenses incurred by reason of small-pox epidemics; $1,302.01 for making waterworks connections and extensions; $1,000 shortage as a result of a compromise with the bondsmen of a tax collector, and $2,000 incurred through failure to collect in outstanding taxes, as found by a Government audit; and whereas the said Corporation has prayed that it may be authorized to issue debentures for the sum of $12,000 to pay off the said floating debt and the expenses attending the issue of said debentures; and whereas the value of the whole rateable property of the said town, according to the last revised assessment roll, is $488,115, and the debenture indebtedness is $47,946, exclusive of local improvement debts; and whereas no opposition has been made to the said petition and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 247*a* of Amherstburg and agreement with Sandwich, Windsor and Amherstburg Railway confirmed.

1. The By-law Number 247a, of the Corporation of the Town of Amherstburg, passed on the 23rd day of May, 1904, to authorize the execution of the agreement between the said corporation and The Sandwich, Windsor & Amherstburg Railway and the agreement executed in pursuance thereof, which by-law and agreement are set out in Schedules "A" and "B" respectively to this Act are hereby ratified, confirmed and declared to be legal and binding upon the parties thereto.

Town authorized to borrow money and issue debentures therefor sufficient to meet payments in agreement.

2. For the purpose of carrying out the terms of said agreement the Corporation is authorized to borrow a sufficient sum to meet the payments provided for in said agreement and in lieu of the debentures authorized to be issued under By-law No. 197a, the council of the said Corporation may pass such by-law

by-law or by-laws authorizing the issue of a sufficient number of debentures to raise such sum, which debentures shall be payable within twenty years from the respective dates thereof with interest calculated thereon in the meantime at a rate not exceeding five per cent. per annum, and the said debentures so to be issued shall be valid and binding upon the Corporation notwithstanding the provisions of section 402 of *The Consolidated Municipal Act, 1903*.

3 Edw. VII., c. 19.

Application of proceeds of debentures.

3. The moneys arising from the sale of the debentures issued under the authority of the preceding section shall be applied in payment of the said bonus as settled by the terms of the said agreement and upon payment thereof by the Corporation to the Sandwich, Windsor and Amherstburg Railway the said Corporation shall be relieved from the levy and collection of moneys under the said By-law No. 197*a*, as set forth in Schedule "C" to this Act and the payment of the bonus under said by-law.

Issue of debentures for $12,000 (floating debt) authorized.

4. For the payment of the floating debt the said corporation may issue debentures under the corporate seal and signed by the Mayor and countersigned by the Treasurer for the time being for such sums not less than $100 each and not exceeding $12,000 in the whole as the council may direct and the principal of said debentures and the interest accruing thereon may be made payable either in Canada or Great Britain or elsewhere and either in sterling money of Great Britain or in lawful money of Canada as the council of the said corporation may direct.

Term of debentures, and how payable.

5. The said debentures authorized by section 4 of this Act shall be payable in not more than twenty years from the 15th day of December, 1905, as the said Corporation may direct; the interest thereon shall be payable yearly at the rate of *five* per cent. per annum.

Assent of electors not required.

6. It shall not be necessary to obtain the assent of the electors of the said town to the issue of any of the debentures authorized by this Act or to the passing of any by-law relating thereto or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

Informalities not to invalidate debentures.

7. No irregularity in the form either of the said debentures or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

8.

Debt, how payable.

8. (1). The by-laws to be passed in pursuance of this Act for contracting the debts authorized by this Act shall make the principal of the debt or of each instalment of the debt as the case may be repayable by yearly sums during the currency of the period within which the debt or the instalment of the debt as the case may be is to be discharged and such yearly sums shall be of such amounts that the aggregate amount payable for principal and interest in any year in respect of the debt or of the instalment as the case may be shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period: and the council may issue the debentures of the corporation for the amount and payable at the times corresponding with such yearly sums together with interest annually as may be set forth and provided in the by-law.

(2). The council of the said corporation may include the interest on the debentures in the amount payable in lieu of the interest being payable annually in respect of each debenture and any by-law authorizing the issue of debentures for a certain amount, and interest shall be taken to authorize the issue of debentures in accordance with this section to the same amount with interest added.

Special rate for payment of debentures and interest.

9. The said corporation shall during the currency of the said debentures levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act and no sinking fund need be provided for.

Raising money on debentures.

10. The said corporation may raise money by the sale or hypothecation of the said debentures as they may deem expedient and all moneys to be derived from such sale or hypothecation shall be applied for the purposes set forth in the by-laws and for no other purpose, but the person or persons to whom such debentures are sold or hypothecated shall not be bound to see to the application of such moneys.

SCHEDULE A.

By-Law No. 247a.

By-law of the Council of the Town of Amherstburg to authorize the execution of an agreement between the Sandwich, Windsor & Amherstburg Railway and the Corporation of the Town of Amherstburg.

Whereas an agreement in the form attached hereto has been submitted to the council for the purpose of settling the matters in dispute between the Sandwich, Windsor & Amherstburg Railway and the Corporation of the Town of Amherstburg.

And whereas it is deemed advisable to enter into the said agreement and to execute the same.

Now therefore the Municipal Council of the Town of Amherstburg enacts as follows:—

The said agreement attached hereto is hereby approved of and the Mayor and Clerk of Corporation are hereby authorized to execute

execute the same on behalf of the corporation and the clerk is hereby authorized and directed to affix the corporate seal thereto.

Passed this twenty-third day of May, 1904.

(Sgd.) J. J. BRAULT,
Mayor.

(Corporate Seal.)

(Sgd.) J. H. C. LEGGATT,
Clerk.

SCHEDULE B.

IN THE HIGH COURT OF JUSTICE.

The Sandwich, Windsor & Amherstburg Railway vs. Amherstburg.

Memorandum of Agreement between the Corporation of the Town of Amherstburg, hereinafter called the Corporation, of the first part, and The Sandwich, Windsor and Amherstburg Railway, hereinafter called the Company, of the second part.

Whereas an action has been commenced in the High Court of Justice by the company against the corporation for the amount of ten thousand dollars and interest, being the amount of the bonus granted to the company under By-law No. 197a of the corporation,

And whereas the said corporation has defended the said action,

And whereas the parties hereto have agreed to a settlement of the said action in the manner hereinafter set forth;

Now therefore this agreement witnesseth as follows:—

1. The company agrees, subject to the terms hereinafter expressed, to accept the sum of six thousand dollars and interest in lieu of the said sum sued for as aforesaid and to pay the corporation its costs of action as between solicitor and client.

2. The company agrees to extend its line of railway in the Town of Amherstburg from Apsley street west on Richmond to a point near the Post Office on Dalhousie street within eighteen months from the date hereof.

3. The company is to have the privilege of running single truck passenger cars in addition to the six daily round trips made with the double truck cars as provided in said by-law but not in lieu thereof.

4. The corporation will, at its own expense, apply for and obtain legislation at the next Session of the Legislative Assembly of the Province of Ontario to ratify this agreement and to empower the corporation to issue debentures to an amount sufficient to satisfy the said sum of six thousand dollars and interest as hereinafter provided.

5. Except as varied by this agreement the terms and conditions provided for in the by-laws of the corporation relating to the company the agreements entered into between the corporation and the company shall be binding upon the corporation and company as if this agreement had not been made.

6. In the event of default by the corporation in applying for and obtaining legislation as herein provided for, or in the event of the corporation failing to pay the said sum of six thousand dollars and interest from the first day of October, 1904, at five per cent. per annum within thirty days after the obtaining of said legislation the company is to be at liberty to sign judgment for the full amount of their claim in the action upon notice to the corporation, or take such other proceedings in the action as counsel may advise to bring the action to a final determination, in which event

event the preceding clauses of this present agreement shall not be binding upon either party.

7. In the meanwhile proceedings in the said action shall be stayed.

In witness whereof the parties hereto have hereunto set their hands and seals this 20th day of May, A.D. 1904.

Signed sealed and executed in the presence of

(Sgd.) J. H. C. LEGGATT, Clerk.
(Sgd.) J. J. BRAULT, Mayor.
(Sgd.) SANDWICH, WINDSOR & AMHERSTBURG RAILWAY.
J. C. HUTCHINS, Vice-Pres't.

(Railway Seal).

Attest. (Sgd.) A. E. PETERS, Secretary.

We hereby certify that this is a true copy of the agreement mentioned in By-law No. 247a of the Town of Amherstburg.

OSCAR TEETER, Mayor. J. H. C. LEGGATT, Clerk.

SCHEDULE C.

BY-LAW No. 197A.

A by-law to authorize the issue of debentures of the Corporation of the Town of Amherstburg to the amount of ten thousand dollars for the purpose of granting a bonus of ten thousand dollars to the Sandwich, Windsor & Amherstburg Railway in aid of said railway.

Whereas it is deemed advisable that the Town of Amherstburg should grant a bonus of ten thousand dollars to the Sandwich, Windsor & Amherstburg Railway, hereinafter called the company, in aid of said railway.

And whereas in order thereto it will be necessary to issue debentures of the said Corporation of the Town of Amherstburg for the sum of ten thousand dollars as hereinafter provided which is the amount of the said debt intended to be created by this by-law, the proceeds of the said debentures to be applied to the said purpose and to no other.

And whereas it is deemed desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other 19 years of said debt as shown in Schedule "A" hereto annexed.

And whereas the total amount required by *The Muncipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is $768.76.

And whereas the amount of the whole rateable property of the Town of Amherstburg, according to the last revised assessment roll thereof, is $458,020.00.

And whereas the amount of the existing debenture debt of the said municipality is $78,970.85, and no principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Amherstburg enacts as follows:—

1. A bonus of ten thousand dollars is hereby granted by the Corporation of the Town of Amherstburg to the Sandwich, Windsor & Amherstburg Railway in aid of said railway, and for the purpose of raising the said sum debentures of the said town to the amount of ten thousand dollars as aforesaid, in sums of not less than $100 each, shall be issued on and after the passing of this by-law, each of which debentures shall be dated on the date of the issue

issue thereof and shall be payable within twenty years thereafter at the office of the treasurer of the said corporation.

2. Each of the said debentures shall be signed by the mayor of the said town, or by some other person authorized by by-law to sign same, and by the Treasurer of the said Town of Amherstburg and the Clerk shall attach thereto the corporate seal of the municipality.

3. The said debentures shall bear interest at the rate of 4½ per cent. per annum, payable yearly at the office of the treasurer on the 15th day of December in each and every year during the currency thereof and shall have attached to them coupons for payment of the said interest, each coupon shall be signed by the Mayor and Treasurer of the said Town of Amherstburg.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Amherstburg the sum of $768.76 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in the Schedule "A" hereto annexed.

5. Before the said company shal be entitled to the payment of the said bonus or any part thereof the said company and corporation shall execute under their corporate seals within ninety days, or such longer time as the town council of the day shall determine, and enter into with each other an agreement binding the said company and its successors and assigns (a) to build and construct a standard road of not less than four feet, eight and one-half inches guage with rails of not less than sixty pound, from the City of Windsor, or from the present terminus of the said company's railway lines in the Township of Sandwich West to a point within the Town of Amherstburg, and passing on Apsley street in front of the Town Hall to the junction of Gore and Apsley streets; to have the same in complete operation and equipped with modern double truck suburban passenger cars such as are running between Detroit and Mount Clemens, and open for passenger and freight traffic on or before the eleventh day of November, 1903, between some point in the City of Windsor at or near the Detroit Belle Isle and Windsor Ferry Company's present dock or near the present post office to the point within the said Town of Amherstburg hereinbefore referred to, or on or before such other date thereafter as the said Town Council shall by by-law fix and appoint for such completion; (b) to maintain, equip, run and efficiently operate the said railway for ninety-nine years; (c) to run not less than six regular trains per day each way between the points in the City of Windsor and the Town of Amherstburg hereinbefore referred to, one of which trains shall leave Amherstburg between the hours of six and seven o'clock in the forenoon of each day for Windsor and one train from Windsor between the hours of seven and eight o'clock in the afternoon of each day for Amherstburg; (d) the maximum rate for passengers shall not exceed fifty cents for the round trip from any point within the corporate limits of the Town of Amherstburg to any point at or near the Detroit, Belle Isle and Windsor Ferry Company's present dock or near the present Post Office in the City of Windsor, and the rates between intermediate points shall be proportionate and the single fare between the points in the Town of Amherstburg and the City of Windsor hereinbefore referred to shall not exceed thirty cents either way and between intermediate points proportionately; the rates for single passengers riding between points within town limits shall not exceed five cents and the company shall sell six tickets for twenty-five cents, each good for one ride; and in the regulation of fares and charges for freight, passengers, excursionists or express freight rate between Amherstburg and Windsor, the rates and charges shall in every case be equal from either point to the other and no discrimination shall be made against Amherstburg

burg: (e) the company shall provide and maintain continuously suitable waiting room for the accommodation of passengers and freight within the limits of the Town of Amherstburg; (f) the company shall make and keep in good repair and in a safe condition such parts of any street or roadway as is occupied by their track and track beds, that is between the rails and for 18 inches on either side, and shall keep and maintain and preserve all street-crossings, water-courses and other drains in the same manner as the municipality might be obliged to do, and the said company shall be responsible therefor to the said municipality or any other person or persons damaged or injured, and shall indemnify and save harmless the corporation against any damages which may be occasioned by the company's default in any of its obligations in these respects, and the company shall be responsible for all and every damage they may commit in the construction of their said road or otherwise; (g) if any street or roadway upon which the company's road is built be paved, macadamized or gravelled or otherwise improved by the municipality, the company shall do likewise on the part of the street or roadway occupied by the railway that is between the rails and for 18 inches on either side at their own expense within three months after notice to them; (h) all trains shall run from and to the point in the Town of Amherstburg hereinbefore referred to.

6. And further, before the said company will be entitled to the payment of the said bonus of ten thousand dollars ($10,000) or any part thereof, the road shall be completed and in operation for passengers and freight traffic from the point referred to in the town of Amherstburg to the point referred to in the City of Windsor and the Company shall have executed the agreement referred to in Section 5 hereof embodying the terms, provisions and conditions of said section and also of the terms and conditions of By-law 187-a that are not inconsistent with section 5 of this by-law.

7. The by-law shall take affect and come into operation from and after the final passing thereof.

8. The votes of the qualified electors of the said Town of Amherstburg shall be taken on this by-law at the following times and places that is to say, on Tuesday the seventeenth day of June, A D. 1902, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day at the places and by the Deputy Returning Officers hereinafter specified, that is to say:—

Ward No. One—J. H. C. Leggatt's Office—J. H. Pettypiece as D. R. O.

Ward No. Two—Council Chamber, Town Hall, with Walter Kolfage as D. R. O.

Ward No. Three—Old Lafrombois residence, with John Healey, Sr., as D. R. O.

The Mayor of the Town of Amherstburg shall attend at the Town Hall, on the 16th day of June, A.D. 1902, at the hour of twelve o'clock noon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in promoting and opposing the passing of this by-law.

9. The clerk of the said municipality shall be Returning Officer for the purpose of taking the votes and he shall sum up the number of votes given for and against the said by-law on eighteenth day of June, A.D. 1902, at the hour of twelve o'clock noon, in the Town of Amherstburg.

Passed and adopted this,

(Sgd.) J. H. C. LEGGATT,
Clerk.

Referred

SCHEDULE "A."

Referred to in the foregoing by-law showing how the amount of $10,000 thereby required to be raised annually by special rate is apportioned.

Year.	Principal.	Interest.	Total.
1903	318.76	450.00	768.76
1904	333.10	435.66	768.76
1905	348.09	420.67	768.76
1906	363.76	405.00	768.76
1907	380.13	388.63	768.76
1908	397.23	371.53	768.76
1909	415.11	353.65	768.76
1910	433.79	334.97	768.76
1911	453.31	315.45	768.76
1912	473.71	295.05	768.76
1913	495.02	273.74	768.76
1914	517.30	251.46	768.76
1915	540.58	228.18	768.76
1916	564.91	203.85	768.76
1917	590.34	178.42	768.76
1918	616.89	151.87	768.76
1919	644.66	124.10	768.76
1920	673.66	95.10	768.76
1921	703.98	64.78	768.76
1922	735.67	33.09	768.76

CHAPTER 40.

An Act to validate the Tax Sales held in the City of Belleville in the years 1898 and 1902, and to validate the Assessment Rolls and Collector's Rolls for the years 1901, 1902, 1903 and 1904.

Assented to 25th May, 1905.

Preamble

WHEREAS the Municipal Corporation of the City of Belleville have by their petition represented that in each of the years 1898 and 1902 a tax sale of lands in the Municipality of the City of Belleville was held and that some of the lands offered for sale at such sales were sold and the remainder of such lands so offered for sale were bought in by the municipality in the name of one J. W. London, of the City of Belleville and that some of the lands so bought in by the municipality at such sales were afterwards sold by the said municipality; and whereas it is alleged that many irregularities and omissions have occurred in the proceedings in respect of said tax sales so as to cast suspicion on the validity thereof and interfere with the ready sale of lands bought in by the municipality thereat, whereby the municipality is deprived of the proceeds of the sale of such lands for the Sinking Fund and other needs of the corporation; and whereas it is alleged that irregularities and omissions have occurred in respect of the Assessment Rolls and Collector's Rolls for the years 1901, 1902, 1903 and 1904, whereby suspicion has been cast upon their validity as proceedings upon which to found a sale of lands for arrears of taxes; and whereas to remove all doubts as to the validity of said tax sales of land and as to said Assessment Rolls and Collector's Rolls and proceedings incident thereto, and to enable the corporation to sell said lands and apply the proceeds thereof to the sinking fund and other purposes of the corporation, the said petitioners have prayed for an Act validating the same.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.

Lands set out in Schedules A and B declared to have been validly offered for sale for arrears of taxes.

1. All lands described in Schedules "A" and "B" to this Act, are declared to have been validly offered for sale for arrears of taxes by the Treasurer of the Municipality of the City of Belleville.

Sales of lands set out in Schedule C for arrears of taxes sold to city validated.

2. All of such lands contained in Schedule "C" to this Act are declared to have been validly sold to the said municipality, unless the sums appearing against any of such lands as taxes and costs or expenses in Schedules "A" and "B" were actually paid prior to the passing of this Act.

Sales of lands set out in Schedules A and B for arrears of taxes to other persons validated.

3. All of such lands which have been entered in the books or documents of the Treasurer of the said municipality as sold to purchasers other than or by the said municipality or said J. W. London are declared to have been validly sold and the person or corporation named as the purchaser thereof is declared to be or to have been the lawful purchaser or purchasers thereof unless the sums appearing against any of the said lands as taxes and costs or expenses, in Schedules 'A" or "B," were actually paid prior to the passing of this Act.

City authorized to sell and convey.

4. The municipality may by public auction or private sale sell any of such lands in Schedule "C," and convey same at any time, whether within or after the expiration of, seven years from the time such lands were acquired unless already sold.

Assessment rolls for 1901, 1902, 1903 and 1904 validated.

5. The books described as the Assessment Rolls of the City of Belleville for the years 1901, 1902, 1903, and 1904 and signed by the Assessor, Assessors or Assessment Commissioner of the City of Belleville, are declared to be valid Assessment Rolls for such years for the City of Belleville and binding upon all persons concerned.

Collectors' rolls for 1901, 1902, 1903 and 1904 validated.

When lands to be liable to be sold for arrears.

6. The books called the Collector's Rolls of the City of Belleville for the years 1901, 1902, 1903, and 1904, certified by the Clerk of the Municipality of the City of Belleville, are declared to be valid Collector's Rolls for such years for the City of Belleville and all sums or amounts appearing on any of said Collector's Rolls as unpaid upon or as returned against any lands described therein are validly charged thereon as taxes under *The Assessment Act* and the said lands are or will be liable to be sold for said taxes whenever and so soon as any part of such sum or amount is or will be unpaid according to said Collector's Rolls for three years from the first of January of the year in which said Collector's Rolls or any of them were given to the tax Collector for collection, and the said lands may be sold upon the issue of a warrant by the Mayor of the Corporation of the

4 Edw. 7, c. 23.

the City of Belleville as validly and effectively as if all provisions of *The Assessment Act* prior to the issuing of the Mayor's warrant, directory or imperative, had been complied with, unless the said sums or amounts appearing in said Collector's Rolls as unpaid have been actually paid.

Pending litigation not affected.

7. This Act shall not affect the rights of any parties in any litigation now pending.

SCHEDULE "A".

TREASURER'S SALE OF LANDS IN ARREARS FOR TAXES.

CITY OF BELLEVILLE, PROVINCE OF ONTARIO, TO WIT:

By virtue of a warrant issued by the Mayor under the corporate seal of the City of Belleville, to me directed, bearing date the third day of September, 1898, commanding me to levy upon the land in arrears for taxes, with the costs. Said list of lands for sale in the municipality for taxes has been prepared, and copies may be had in my office, and the said advertisement empowering such list is being published in the Ontario Gazette on September 10th, 17th, 24th and October 1st.

I hereby give notice that unless such arrears and all costs are sooner paid, I shall proceed to sell the said land, or so much thereof as may be necessary for the payment of the taxes and costs thereon, at the City Hall, in the said City of Belleville, on Monday, the 12th day of December, A. D. 1898, at the hour of eleven o'clock in the forenoon.

J. P. THOMPSON.
City Treasurer.

City Treasurer's Office,
Belleville, Sept. 10th, 1898.

FOSTER WARD.

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
1	14	N 7a	1-10	W. Front	$62 89	$2 22	$65 11
2	45	pt 13a	pt. ½	W. Pinnacle	9 92	90	10 82
3	87	13	½	W. Church	26 15	1 30	27 45
4	105	3	S½	"	1 86	90	2 76
5	110	2	½	E. Church	3 61	90	4 51
6	111	3	½	"	3 90	90	4 80
7	122	11	½	"	52 31	1 95	54 26
8	126	13	½	"	52 31	1 95	54 26
9	153	B	6-100	N. Wharf	13 06	97	14 03
10	156	14	½	W. John	35 26	1 53	36 79
11	157	15	½	"	41 09	1 67	42 76
12	158	16	½	"	31 33	1 43	32 81
13	159	17	22-100	"	31 38	1 43	32 81
14	163	13a	16-100	"	1 24	90	2 14
15	164	14a	16-100	"	1 24	90	2 14
16	165	15a	15-100	"	99	90	1 89
17	171	5a	½	E. John	1 24	90	2 14
18	203	11	½	W. Maria	7 10	90	8 00
19	216	9a	14-100	"	4 16	90	5 06

FOSTER WARD — *Continued*

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
20	219	6	14-100	W. Maria	46	90	1 36
21	220	4	1-5	"	24	90	1 14
22	221	2	1-5	"	1 69	90	2 59
23	222	27	1-5	E. Maria	72	90	1 62
24	223	26	29-100	"	72	90	1 62
25	224	25	29-100	"	72	90	1 62
26	225	24	28-100	"	72	90	1 62
26	225	24	28-100	"	72	90	1 62
27	226	23	28-100	"	1 72	90	2 62
28	227	22	27-100	"	1 72	90	2 62
29	228	21	27-100	"	1 72	90	2 62
30	229	20	27-100	"	1 72	90	2 62
31	238	11	21-100	"	7 10	90	8 00
32	253	34	4 3-10	S. Dundas	24 59	1 26	25 85
33	266	5	½	N. Bay	14 55	1 01	15 56
34	267	4	½	"	14 55	1 01	15 56
35	268	3	26-100	"	20 19	1 15	21 34
36	281	16	½	"	4 73	90	5 63
37	291	7	15-100	N. Franklin... ...	2 47	90	3 37
38	296	10b	9-100	E. Foster	5 26	90	6 16
39	300	7	15-100	S. Franklin	3 55	90	4 45
40	302	6	15-100	N. Wills	3 55	90	4 45
41	303	7	15-100	"	3 55	90	4 45
42	304	8	15-100	"	3 55	90	4 45
43	305	9	15-100	"	3 55	90	4 45
44	306	10	15-100	"	6 82	90	7 72
45	313	K	4½	S. Dundas	64 82	2 27	67 09

SAMSON WARD.

1	7	S pt	23 1-20	W. Front	14 20	1 03	15 23
2	81	21c	7-100	W. Church	41 80	1 69	43 49
3	180a	6	9-100	E. Charles	7 11	90	8 01
4	180b	7	9-100	"	7 11	90	8 01
5	180c	8	1-10	"	7 36	90	8 26
6	180d	9	1-10	"	7 36	90	8 26
7	180k	16	13-100	W. Albert...	7 12	90	8 02
8	219	82	29-100	W. Foster	7 43	90	8 33
9	243r	23	19-100	E. Burnham	7 57	90	8 47
10	243s	24	19-100	"	8 30	90	9 20
11	243t	27	17-100	"	8 30	90	9 20
12	243u	28	17-100	"	8 30	90	9 20
13	243v	31	17-100	"	8 05	90	8 95
14	270	51	24-100	W. Dufferin	4 97	90	5 87
15	270	52	24-100	"	5 00	90	5 90
16	270	53	23-100	"	5 00	90	5 90
17	270	54	23-100	"	4 70	90	5 60
18	270	55	23-100	"	4 70	90	5 60
19	270	56	23-100	"	4 70	90	5 60
20	270	57	23-100	"	4 70	90	5 60
21	270	49	1-5	E. Dufferin	2 98	90	3 88
22	270	48	1-5	"	4 70	90	5 60
23	270	47	1-5	"	4 70	90	5 60
24	270	46	1-5	"	4 70	90	5 60
25	270	45	1-5	"	4 70	90	5 60
26	270	44	1-5	"	4 70	90	5 60
27	270	41	23-100	W. McDonald... ...	4 48	90	5 38
28	270	42	23-100	"	4 48	90	5 38
29	270	43	23-100	"	4 48	90	5 38

KETCHESON WARD.

Sale No.	City Lot No.	Lot No.	Quantity		Street	Taxes	Expenses	Total
1	224d	37	1-10	E.	Chatham	5 69	90	6 59
2	224d	39	1-10		"	16 50	1 06	17 56
3	224d	41	1-10		"	15 83	1 04	16 87
4	224d	43	1-10		"	15 82	1 04	16 86
5	224d	45	1-10		"	5 58	90	6 48
6	224d	47	1-10		"	5 67	90	6 57
7	232	6	22-100	E.	Foster	14 20	1 00	15 20
8	233	5	22-100		"	14 20	1 00	15 20
9	234	4	22-100		"	14 20	1 00	15 20
10	235	3	22-100		"	14 20	1 00	15 20
11	249	22	88-100	E.	Bleecker	68 03	2 35	70 38
12	253	7	17-100	N.	Bridge	6 33	90	7 23
13	253	8	17-100		"	6 33	90	7 23
14	253	9	17-100		"	7 43	90	8 33
15	253	36	1-5	W.	McDonald	4 47	90	5 37
16	253	32	1-5	E.	Dufferin	4 47	90	5 37
17	253	33	1-5		"	4 47	90	5 37
18	253	33	21-100	W.	Dufferin	7 45	90	8 35
19	253	32	18-100		"	4 47	90	5 37
20	253	3	17-100	S.	Queen	3 74	90	4 64
21	253	2	23-100		"	4 47	90	5 37

BALDWIN WARD.

1	75	pt 37 pt	38-100	N.	Hotel	49 94	1 90	51 84
2	81	S pt 39 pt	¼	W.	Church	55 25	2 03	57 28
3	156	O	35-100	E.	Ann	52 31	1 95	54 26
4	169	25	44-100	W.	Charles	11 85	94	12 79
5	251	26a	1-10	W.	Albert	68 77	2 36	71 13
6	286	20	1-5	W.	Foster	13 08	97	14 05
7	287	21	1-5		"	13 07	97	14 04
8	298	32	1-5		"	10 71	91	11 62
9	299	33	1-5		"	10 71	91	11 62
10	300	34	17-100	S.	Pine	9 47	90	10 37
11	301	35	17-100	W.	Foster	9 47	90	10 37
12	303	34	1-5	E.	Foster	10 71	91	11 62
13	304	33	1-5		"	10 71	91	11 62
14	305	32	1-5		"	10 71	91	11 62
15	306	31	1-5		"	35 36	1 53	36 89
16	307	30	1-5		"	35 37	1 53	36 90
17	308	29	1-5		"	35 37	1 53	36 90
18	322	70	1-10	W.	Chatham	4 98	90	5 88
19	322	82	1-10		"	4 98	90	5 88
20	322	84	1-10		"	4 98	90	5 88
21	322	86	1-10		"	4 98	90	5 88
22	322	85	1-10	E.	Chatham	4 98	90	5 88
23	339	n½ 14 e n½	56-100	E.	Bleecker	10 70	91	11 61
24	344	23	24-100	W.	Dufferin	4 60	90	5 50
25	344	22	¼		"	4 60	90	5 50
26	344	21	¼		"	4 47	90	5 37
27	344	20	26-100		"	4 47	90	5 37
28	344	19	26-100		"	4 47	90	5 37
29	344	14	1-5	E.	Dufferin	2 13	90	3 03
30	344	15	1-5		"	2 13	90	3 03
31	344	16	1-5		"	2 13	90	3 03
32	344	17	1-5		"	2 12	90	3 02
33	344	18	1-5		"	2 12	90	3 02
34	344	4	1-5	N.	Hotel	3 35	90	4 25
35	344	5	1-5		"	3 35	90	4 25
36	344	6	1-5		"	3 35	90	4 25
38	344	27	1-5	W.	McDonald	3 34	90	4 24
39	344	26	1-5		"	3 34	90	4 24
40	344	25	1-5		"	3 34	90	4 24
42	355	13	1-5	E.	Alice	4 84	90	5 74

BALDWIN WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
43	357	12	1-5	W McDonald	3 35	90	4 25
44	358	11	1-5	"	3 34	90	4 24
45	359	6	1-5	S Pine	3 34	90	4 24
46	360	7	1-5	"	3 34	90	4 24
47	361	8	1-5	"	3 34	90	4 24

BLEECKER WARD.

48	16	10a	½	N.Great St.James	15 62	1 04	16 66
49	32	9a	½	S. Mill	66 59	2 31	68 90
50	76	22	½	W. Johnston	29 12	1 37	30 49
51	82	37	21-100	W. Charles	3 74	90	4 64
52	84	39	1-5	"	3 74	90	4 64
53	85	40a	1-5	"	3 73	90	4 63
54	86	42a	33-100	"	15 69	1 04	16 73
55	89	44	16-100	E Charles	3 74	90	4 64
56	90	43	1-5	"	3 74	90	4 64
57	91	42	1-5	"	3 74	90	4 64
58	92	41	1-5	"	3 74	90	4 64
59	93	40	1-5	"	4 47	90	5 37
60	94	39	1-5	"	5 60	90	6 50
61	95	38	1-5	"	3 55	90	4 45
62	103	39	1-5	W. Albion	8 35	90	9 25
63	104	40	1-5	"	8 35	90	9 25
64	105	41	1-5	"	8 35	90	9 25
65	106	42	1-5	"	8 35	90	9 25
66	107	43	18-100	"	3 11	90	4 01
67	108	14	35-100	"	10 45	91	11 36
68	109	13	3-10	W. Albion	8 35	90	9 25
69	110	A	33-100	"	6 31	90	7 21
70	117	B	22-100	E Albion	4 73	90	5 63
71	118	A	37-100	"	4 73	90	5 63
72	123	15	4-10	"	14 20	1 00	15 20
73	130	72	1-5	N. Pine	9 47	90	10 37
74	130	73	1-5	W. Victoria	6 60	90	7 50
75	130	74	1-5	"	5 72	90	6 62
76	130	75	1-5	N. Pine	9 47	90	10 37
77	131	16	35-100	W. Victoria	9 47	90	10 37
78	132	17	½	"	7 11	90	8 01
79	133	18	½	"	7 11	90	8 01
80	134	21	½	"	7 10	90	8 00
81	135	22	½	"	7 11	90	8 01
82	136	25	½	"	8 48	90	9 38
83	137	26	½	"	8 35	90	9 25
84	138	29	½	"	7 98	90	8 88
85	140	33	18-100	"	2 38	90	3 28
86	165	A	1½	W. Canifton Road	233 22	6 48	239 70
87	171	3	45-100	"	9 47	90	10 37
88	203	S	15-100	N. Station	2 99	90	3 89
89	204	T	44-100	"	13 80	99	14 79
90	205	32	½	W. Northcott	7 85	90	8 75
91	206	31	18-100	"	4 21	90	5 11
92	207	30	11-100	"	4 21	90	5 11
93	208	29	13-100	"	4 57	90	5 47
94	228	42	21-100	S. Con. Road	4 85	90	5 75
95	229	42	26-100	N. G. T. Railway	3 81	90	4 71
96	234	3	19-100	W. Station	9 21	90	10 11
97	235	4	19-100	"	9 21	90	10 11
98	236	5	19-100	"	9 21	90	10 11
99	237	6	19-100	"	9 21	90	10 11
100	238	7	19-100	"	9 21	90	10 11

BLEECKER WARD—*Continued.*

Sale No.	City Lot No.	No.	Quantity	Street	Taxes	Expenses	Total
101	249	48	21-100	E. Victoria	7 10	90	8 00
102	250	49	21-100	"	5 67	90	6 57
103	251	50	22-100	"	5 67	90	6 57
104	252	51	22-100	"	5 67	90	6 57
105	253	52	22-100	"	5 67	90	6 57
107	255	54	21-100	"	4 73	90	5 63
108	256	55	18-100	"	3 54	90	4 44
109	263	62	½	"	5 90	90	6 80
110	264	63	½	"	4 26	90	5 16
111	265	64	½	"	4 26	90	5 16
112	266	65	½	"	4 26	90	5 16
113	267	66	½	"	4 26	90	5 16
114	268	67	½	"	4 26	90	5 16
115	269	68	27-100	"	7 06	90	7 96
116	275	6W	4-5	W. Bleecker	26 15	1 30	27 45
117	285	A	1-5	E. Lingham	5 91	90	6 81
118	286	30	1-5	N. Emily	5 91	90	6 81
119	287	31	1-5	"	5 91	90	6 81
120	315	6E	66-100	E. Bleecker	52 31	1 96	54 27
121	326	5	22-100	W. Alice	3 74	90	4 64
122	327	4	22-100	"	3 74	90	4 64
123	334	4	1-5	S. Russell	2 98	90	3 88
124	338	2	1-5	E. Alice	2 98	90	3 88
125	339	3	1-5	"	2 98	90	3 88
126	368	3	1-5	N. Russell	2 98	90	3 88
127	372	B	66-100	N. McDonald	9 47	90	10 37
128	382	24	1-5	W. Bleecker	26 03	1 30	27 33
129	384	23	15-100	N. Emily	3 07	90	3 97
130	389	15	1-5	S. Lime	13 05	97	14 02
131	390	16	1-5	"	13 06	97	14 03
132	391	17	11-100	W. Bleecker	2 61	90	3 51
133	398	D	26-100	E. Starling	5 67	90	6 57
134	399	20	1-5	"	5 22	90	6 12
135	400	21	1-5	"	5 22	90	6 12
136	401	22	1-5	"	5 22	90	6 12
137	402	23	14-100	"	1 80	90	2 70
138	403	24	12-100	"	1 81	90	2 71
139	405	26	22-100	S. Station	4 10	90	5 00
140	406	27	17-100	"	3 59	90	4 49
141	409	33	12-100	W. Starling	2 37	90	3 27
142	410	34	18-100	"	2 36	90	3 26
143	411	35	1-10	N. Railway Terrace	2 36	90	3 26
144	436	e pt A	46-100	S. Con. Road	7 83	90	8 73
145	437	1	4-10	"	7 81	90	8 71
146	443	B	8-100	S. Con. Road	3 31	90	4 21
147	447	43	22-100	"	5 22	90	6 12
148	448	44	21-100	"	5 22	90	6 12
149	449	45	21-100	"	5 22	90	6 12
150	450	46	20-100	"	5 22	90	6 12

COLEMAN WARD.

1	60	3	36-100	N. Moira	26 65	1 31	27 96
2	61	4	39-100	"	29 51	1 38	30,89
3	66	9	29-100	S. Purdy	17 13	1 07	18 20
4	67	10	3-10	"	5 67	90	6 57
5	68	11	3-10	"	20 92	1 17	22 09
6	73	16	1 3-5	W. Wallbridge ...	30 30	1 40	31 70
7	74	17	1 46-100	"	72 56	2 46	75 02
8	78	21	1 55-100	"	45 10	1 66	46 76

COLEMAN WARD—*Continued.*

Sale No.	City No.	Lot No.	Quantity	Street		Taxes	Expenses	Total
9	84	27	48-100	E.	Wallbridge ...	13 75	99	14 74
10	100	41	32-100	N.	Wallbridge ...	3 02	90	3 92
11	101	42	28-100		"	11 93	95	12 93
12	102	43	25-100		"	6 87	90	7 77
13	104	78	4	E.	Frank	14 20	1 00	15 20
14	105	79	4 38-100	S.	Con. Road	6 39	90	7 29
15	106	80	4 37-100		"	8 74	90	9 64
16	107	81	4-36-100		"	19 54	1 13	20 67
17	108	82	4 35-100		"	19 52	1 13	20 65
18	109	83	4 34-100		"	19 43	1 13	20 56
19	111	54	½	W.	Fahey	13 75	99	14 74
20	118	48	¼	N.	Stephenson ...	7 71	90	8 61
21	126	59	¼	S.	Stephenson... ...	6 86	90	7 76
22	145	E	½	N	Moira	4 74	90	5 64
23	146	2	4-10		"	3 47	90	4 37
24	147	3	8-100		"	5 50	90	6 40
25	148	4	9-100		"	6 11	90	7 01
26	149	5	1-10		"	10 42	91	11 33
27	153	35	9-100	(rear of 145)		6 97	90	7 87
28	154	34	9-100		"	5 65	90	6 55
29	155	33	9-100		"	6 97	90	7 87
30	156	32	9-100		"	6 97	90	7 87
31	157	31	11-100	E.	Fahey	6 97	90	7 87
32	158	30	15-100		"	8 74	90	9 64
33	166	A	14-100	N.	Harriet	9 56	90	10 46
34	167	B	15-100	E	Fahey	10 30	90	11 20
35	168	C	15-100		"	10 39	90	11 29
36	169	D	16-100		"	10 39	90	11 29
37	170	4	18-100		"	12 13	95	13 08
38	171	5	18-100		"	12 13	95	13 08
39	172	6	18-100		"	12 14	95	13 09
40	173	7	17-100		"	12 15	95	13 10
41	174	8	17-100		"	12 14	95	13 09
42	175	9	17-106		"	12 16	95	13 11
43	176	9		W.	Boswell	2 84	90	3 74
44	177	8			"	2 84	90	3 74
45	178	7			"	2 84	90	3 74
46	179	6			"	2 84	90	3 74
47	180	5			"	2 84	90	3 74
48	181	4			"	2 84	90	3 74
49	182	3			"	2 84	90	3 74
50	183	2			"	2 84	90	3 74
51	184	1			"	2 84	90	3 74
52	185	22			"	2 84	90	3 74
53	186	21			"	2 84	90	3 74
54	187	20			"	2 60	90	3 50
55	188	19			"	2 60	90	3 50
56	189	18			"	2 60	90	3 50
57	190	17			"	2 60	90	3 50
58	191	16			"	2 60	90	3 50
59	192	15			"	2 60	90	3 50
60	193	14			"	2 60	90	3 50
61	194	13			"	2 84	90	3 74
62	195	12			"	2 84	90	3 74
63	196	11			"	2 84	90	3 74
64	197	10			"	2 84	90	3 74
65	213	1	15-100	E.	Boswell	5 57	90	6 47
66	218	6	15-100	E.	Boswell	14 19	1 00	15 19
67	219	7	15-100		"	3 55	90	4 45
68	220	8	15-100		"	3 55	90	4 45
69	221	9	15-100		"	3 55	90	4 45
70	228	D	27-100	E.	Colman	15 12	1 02	16 14

COLEMAN WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
71	280	21	23-100	W. Gordon	7 58	90	8 48
72	281	20	23-100	"	7 57	90	8 47
73	282	19	23-100	"	7 57	90	8 47
74	284	17	23-100	"	9 47	90	10 37
75	285	16	23-100	"	9 47	90	10 37
76	286	15	23-100	"	9 47	90	10 37
77	288	26	15-100	"	7 10	90	8 00
78	306	14	62-100	W. Moira	74 63	2 51	77 14
79	326	10	17-100	E. Gordon ... .23 32		1 23	24 55
80	327	9	22-100	"	11 83	95	12 78
81	328	8	22-100	"	11 83	95	12 78
82	405	E	13-100	N. Grove	9 47	90	10 37
83	474	B	17-100	E. Grier	9 20	90	10 10
84	475	11	½	"	18 23	1 10	19 33
85	520	B	17-100	E. Geddes	11 09	92	12 01
86	521	12	½	"	5 28	90	6 18
87	540	16	½	W. St. Charles ...	7 57	90	8 47
88	541	15	½	"	7 57	90	8 47
89	548	7	½	"	7 43	90	8 33
90	556	K	1-10	N. Strachan	12 00	95	12 95
91	559	2	12-100	E. St. Charles ...	3 32	90	4 22
92	561	11	15-100	"	7 10	90	8 00
93	583	L	6-100	W. Moira	1 17	90	2 07
94	613	22	1-5	E. Baldwin	9 32	90	10 22
95	623	14	pt 1-5	W. Moira	5 66	90	6 56
96	626	11	1-5	"	8 93	90	9 83
97	641	E		E. Moira	10 45	91	11 36
98	654	N		S. Con. Road... ...	1 80	90	2 70

MURNEY WARD.

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
1	1	75	3 1-5	Bushy Island	14 70	1 01	15 71
2	30	1	35-100	N. Bridge	4 22	90	5 12
3	31	2	33-100	"	3 97	90	4 87
4	32	3	31-100	"	3 46	90	4 36
5	33	4	29-100	"	2 97	90	3 87
6	37	5	½	W. Yeomans	3 97	90	4 87
7	38	6	½	"	3 72	90	4 62
8	40 B	2	1-10	E. Town Line	1 89	90	2 79
9	40 C	3	9-100	"	1 89	90	2 79
10	40 D	18	13-100	S. Maud	2 12	90	3 02
11	40 E	19	13-100	"	2 62	90	3 52
12	40 F	20	13-100	"	2 62	90	3 52
13	40 G	21	13-100	"	2 62	90	3 52
14	41 A	4	1-10	N. Maud	2 38	90	3 28
15	41 B	17	1-10	"	2 38	90	3 28
16	41 C	22	1-10	"	2 38	90	3 28
17	41 D	23	14-100	E. Walter	2 84	90	3 74
18	41 E	16	14-100	"	2 84	90	3 74
19	41 F	5	14-100	E. Town Line.....	2 84	90	3 74
20	45 A	6	14-100	"	3 21	90	4 11
21	45 B	15	14-100	W. Walter	3 21	90	4 11
22	45 C	24	14-100	E. Walter	3 21	90	4 11
23	45 D	25	14-100	"	3 21	90	4 11
24	45 E	14	14-100	W. Walter	3 21	90	4 11
25	45 F	7	14-100	E. Town Line... ...	3 21	90	4 11
26	46 C	26	14-100	E. Walter	3 21	90	4 11
27	54	4	26-100	S. Wilkins	23 23	23	24 56

MURNEY WARD—*Continued.*

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
28	61	13	½	N. Wilkins	4 73	90	5 63
29	64	11 B	⅛	"	3 07	90	3 97
30	65	9	½	"	4 73	90	5 63
31	66	10	28-100	E. Town Line.....	23 34	1 23	24 57
32	104	4	½	S. Moira...	11 83	94	12 77
33	143	1	7	E. Yeomans 273	57	7 48	281 05
34	171 B	E pt 18	½	N. Bridge	9 47	90	10 37
35	171 C	17	3-10	W. Ridley	4 25	90	5 15
36	171 D	16	3-10	"	5 67	90	6 57
37	171 E	15	2-5	"	5 67	90	6 57
38	171 F	14	2-5	W. Ridley	5 67	90	6 52
39	171 G	13	2-5	"	5 67	90	6 57
40	171 H	12	½	"	6 16	90	7 06
41	171 I	11	½	"	6 62	90	7 52
42	171 J	10	½	"	6 16	90	7 06
43	171 K	9	½	E. Ridley	6 16	90	7 06
44	171 L	8	½	"	6 62	90	7 52
45	171 O	6	4-10	"	5 20	90	6 10
46	171 P	5	4-10	"	5 20	90	6 10
47	171 Q	4	4-10	"	5 20	90	6 10
48	171 R	3	2-5	"	5 67	90	6 57
49	171 S	2	2-5	"	6 15	90	7 05
50	171 T	1	½	N. Bridge	17 99	1 10	19 09
51	176	5	16-100	S. Bridge	30 36	1 40	31 76
52	182	5	12-100	"	1 19	90	2 09
53	186	9	11-100	E. Wellington	7 10	90	8 00
54	187	10	11-100	"	32 19	1 45	33 64
55	188	11	15-100	N. Pope	21 46	1 18	22 64
56	189	12	15-100	"	5 67	90	6 57
57	192	7	13-100	"	23 33	1 23	24 56
58	193	8	13-100	"	23 33	1 23	24 56
59	194	9	13-100	"	11 45	93	12 38
60	197	12	13-100	"	29 38	1 38	30 76
61	279	58	½	S. Parker	6 82	90	7 72
62	280	57	½	"	6 82	90	7 72
63	281	68	1	"	13 53	99	14 52
64	303	4	1	S. Dundas	36 71	1 50	38 27
65	316	28	11-100	N. Norfolk...	2 14	90	3 04
66	319	22	24-100	E. Norfolk	4 23	90	5 13
67	320	21	19-100	N. Dundas	17 75	1 09	18 84
68	321	20	15-100	"	13 48	98	14 46
69	328	13	18-100	N. Warham	2 23	90	3 13
70	333	8	23-100	E Commercial ...	9 92	90	10 82
71	339	1	24-100	"	27 62	1 34	28 96
72	340	34	1	W. Dundas	13 53	98	14 51
73	361	16 pt.	67-100	N. Burton	6 20	90	7 10
74	387	12	17-100	N. Willard	9 47	90	10 37
75	388	13	17-100	"	9 47	90	10 37
76	441	4	1-5	E. Dunbar	14 92	1 02	15 94
77	446	2	14-100	N. Bridge	31 38	1 43	32 81
78	450	10	16-100	W. Octavia	13 02	97	13 99
79	451	9	16-100	"	1 85	94	12 79
80	453	7	15-100	"	26 16	1 30	27 46
81	455	5	15-100	"	20 51	1 16	21 67
82	456	4	15-100	"	20 50	1 16	21 66
83	460	1	11-100	S. Catharine	8 80	90	9 70
84	461	2	11-100	"	8 80	90	9 70
85	462	3	11-100	"	8 80	90	9 70
86	463	3	11-100	N. Edith	5 69	90	6 59
87	464	2	11-100	"	5 69	90	6 59
88	465	1	11-100	"	8 80	90	9 70

MURNEY WARD—*Continued.*

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
89	466	1	11-100	S. Edith	8 80	90	9 70
90	467	2	11-100	"	5 72	90	6 62
91	468	3	11-100	"	5 80	90	6 70
92	473	5	11-100	E. Octavia	13 03	97	14 00
93	474	6	11-100	"	13 03	97	14 00
94	475	7	11-100	"	13 03	97	14 00
95	513	4	16-100	S. Holloway	4 73	90	5 63
96	523	10	1-10	W. Howard	6 46	90	7 36
97	526	7	1-5	"	12 93	97	13 90
98	530	3	1-5	"	15 24	1 03	16 27
99	531	1	1-5	S. Green	15 24	1 03	16 27
100	533	3	17-100	"	25 34	1 28	26 62
101	535	2	13-100	E. Ponton	10 97	92	11 89
102	539	1	1-5	N. Green	12 93	97	13 90
103	541	3	1-5	"	17 72	1 06	17 78
104	543	5	15-100	E. Ponton	2 82	90	3 72
105	548	11	1-5	S. Moira	16 72	1 06	17 78
106	549	10	1-5	"	7 56	90	8 46
107	558	4	1-5	E. Howard	12 93	97	13 90
108	560	6	1-5	"	3 78	90	4 68
109	562	8	1-5	"	30 59	1 40	31 99
110	566	8	17-100	N. Holloway	3 31	90	4 21
111	580	3	1-5	S. Moira	8 28	90	9 18
112	581	2	1-5	"	3 78	90	4 68
113	583	1	26-100	E. Hillside	4 96	90	5 86
114	588	6	18-100	"	23 01	1 22	24 23
115	598	A	16-100	N. Holloway	1 17	90	2 07
116	599	B	16-100	E. Octavia	2 37	90	3 27
117	674	17	17-100	W. Cedar	18 82	1 12	19 94
118	676	19	14-100	"	19 31	1 13	20 47
119	680	23	15-100	"	19 34	1 13	20 47
120	689	25	11-100	E. Cedar	15 67	1 04	16 71
121	698	16	11-100	"	7 09	90	7 99
122	704	10	11-100	"	19 71	1 14	20 85
123	713	1	15-100	"	15 67	1 04	16 71
124	715	2	11-100	W. Everett	12 79	97	13 76
125	717	4	11-100	"	12 79	97	13 76
126	719	6	11-100	"	12 48	96	13 44
127	721	8	11-100	"	12 48	96	13 44
128	723	10	11-100	"	12 48	96	13 44
129	725	12	11-100	"	12 48	96	13 44
130	727	14	11-100	"	12 48	96	13 44
131	776	6	11-100	E. Everett	20 92	1 17	22 09
132	777	5	11-100	"	20 92	1 17	22 09
133	814a	1	8-100	S. Bridge	9 66	90	10 56
134	814b	2	7-100	"	9 66	90	10 56
135	836	1	1-5	S. Dundas	4 20	90	5 10
136	872	6	15-100	W. King	11 18	93	12 11
137	873	3	23-100	S. Coleman	10 70	92	11 62
138	887	H	7-100	W. Coleman	4 73	90	5 63
139	894	A	3-10	E. Coleman	7 43	90	8 33
140	895	B	8-10	"	9 92	90	10 82

SCHEDULE "B".

TREASURER'S SALE OF LANDS IN ARREARS FOR TAXES.

CITY OF BELLEVILLE, PROVINCE OF ONTARIO, To WIT:

By virtue of a warrant issued by the Mayor under the corporate seal of the City of Belleville, to me directed, bearing date the twenty-third

twenty-third day of August, 1902, commanding me to levy upon the land in arrears for taxes, with the costs. Said lists of lands for sale in the municipality for taxes has been prepared and copies may be had in my office, and the said advertisement empowering such list is being published in the Ontario Gazette on August 30th and September 6th, 13th and 20th.

I hereby give notice that unless such arrears and all costs are sooner paid, I shall proceed to sell the said land, or so much thereof as may be necessary for the payment of the taxes and costs thereon, at the City Hall, in the said City of Belleville, on Tuesday, the 2nd day of December, A. D. 1902, at the hour of eleven o'clock in the forenoon.

J. P. THOMPSON,
City Treasurer.

City Treasurer's Office, Belleville, August 23rd, 1902.

FOSTER WARD.

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
1	67	4	½	E. Pinnacle	$19 78	$1 17	$20 95
2	75	8	½	"	21 80	1 21	23 01
3	100	6	½	W. Church	34 79	1 54	36 33
4	110	2	½	E. Church	4 65	92	5 57
5	111	3	½	"	3 21	92	4 13
6	121	10 B	1	"	65 67	2 31	67 98
7	123	12 A	1/6	"	22 81	1 24	24 05
8	121	12 B	1/6	"	22 81	1 24	24 05
9	125	12 C	1/6	"	22 86	1 24	24 10
10	156	14	½	N. John	36 23	1 57	37 80
11	168	1	1-5	E. John	4 00	92	4 92
12	170	5 B	½	"	2 36	92	3 28
13	171	5 A	½	"	4 31	92	5 23
14	201	9	½	W. Maria	34 04	1 52	35 56
15	203	11	½	"	13 93	1 01	14 94
16	216	9 A	14-100	"	4 73	92	5 65
17	219	6	14-100	"	1 17	92	2 09
18	220	4	1-5	"	1 17	92	2 09
19	221	2	1-5	"	1 17	92	2 09
20	222	27	1-5	E Maria	1 18	92	2 10
21	223	26	29-100	"	1 18	92	2 10
22	224	25	29-100	"	1 18	92	2 10
23	225	24	28-100	"	1 18	92	2 10
24	226	23	28-100	"	1 18	92	2 10
25	227	22	27-100	"	1 18	92	2 10
26	228	21	27-100	"	1 18	92	2 10
27	229	20	27-100	"	1 18	92	2 10
28	231	18	1/3	"	4 81	92	5 73
29	238	11	21-100	"	13 04	99	14 03
30	253	34	43-10	S. Dundas	51 32	1 95	53 27
31	262	9	27-100	"	26 09	1 32	27 41
32	263	9	26-100	"	17 39	1 10	18 49
33	268	3	26-100	"	23 85	1 39	25 19
34	274	23	34-100	N. Bay	8 70	92	9 62
35	275	22	35-200	"	8 70	92	9 62
36	282	15	½	S. Bay	6 54	92	7 46
37	283	14	½	"	6 54	92	7 46
38	284	13	½	"	6 54	92	7 46
39	290	pt 6	8-100	N. Franklin	29 81	1 41	31 22
40	291	7	15-000	"	11 92	96	12 88
41	295	10 A	1-10	"	7 93	92	8 85
42	298	9	15-100	S. Franklin	47 58	1 85	49 39
43	306	10	15-100	N. Wills...	8 23	92	9 15
44	307	11	4 4-10	W. Foster	16 86	1 09	17 95
45	313	west K	4½	S. Dundas	53 70	2 01	55 71

SAMSON WARD.

Sale No	City No.	Lot No.	Size	Street	Taxes	Costs	Total
1	81	21 C	7-100	W. Church	17 50	1 10	18 60
2	174	36	½	W. Charles	59 86	2 16	62 02
3	175	35	½	"	30 14	1 42	31 56
4	180 A	6	9-100	E. Charles	17 88	1 11	18 99
5	180 B	7	9-100	"	17 89	1 11	19 00
6	180 C	8	1-10	"	17 89	1 11	19 00
7	180 D	9	1-10	"	17 89	1 11	19 00
8	180 K	16	13-100	W. Albert	17 88	1 11	18 99
9	209	67	3-10	E. Albert	45 68	1 81	47 49
10	211	65	28-100	"	26 09	1 32	27 41
11	220	81	3-10	W. Foster	26 09	1 32	27 41
12	243 H	37	18-100	W. Burnham	8 56	92	9 48
13	243 X	35	19-100	E. Burnham	$14 34	$1 02	$15 36
14	243 Y	36	19-100	"	14 34	1 02	15 36
15	243 Z	39	19-100	"	9 94	92	10 86
16	243 A	40	19-100	"	14 00	1 02	15 02
17	256	31W	1 5-10	W. Bleecker	49 57	1 90	51 47
18	258	29W	1 5-10	"	42 97	1 74	44 71
19	265	29 E	92-100	E. Bleecker	33 39	1 50	34 89
20	267	31 E	87-100	"	30 34	1 42	31 76
21	270	2	¼	N. Dundas	11 92	96	12 88
22	270	48	23-100	W. Dufferin	5 48	92	6 40
23	270	49	24-100	"	5 48	92	6 40
24	270	50	24-100	"	9 57	92	10 49
25	270	43	1-5	E. Dufferin	5 84	92	6 76
26	270	42	1-5	"	5 84	92	6 76
27	270	41	1-5	"	5 84	92	6 76
28	270	44	23-100	W. McDonald	7 12	92	8 04
29	270	45	23-100	"	7 12	92	8 04
30	270	51	24-100	"	5 23	92	6 15
31	270	52	24-100	"	5 23	92	6 15
32	270	53	24-100	"	5 23	92	6 15
33	270	54	24-100	"	7 12	92	8 04
34	270	55	24-100	"	7 12	92	8 04
35	270	56	24-100	"	7 12	92	8 04
36	270	57	24-100	"	7 12	92	8 04
37	270	58	24-100	"	7 12	92	8 04
38	271	35	½	N. Dundas	45 10	1 79	46 89

KETCHESON WARD.

Sale No	City No.	Lot No.	Size	Street	Taxes	Costs	Total
1	26	pt 44	3-10	S. Hotel	34 79	1 54	36 33
2	81 A	33 A	22-100	N. Patterson	77 15	2 59	79 74
3	212	3	22-100	W. Foster	35 79	1 56	37 35
4	213	4	22-100	"	35 79	1 56	37 35
5	214	5	22-100	"	35 79	1 56	37 35
6	224 D	49	1-10	E. Chatham	6 42	92	7 34
7	253	A	1-5	N. Bridge	11 94	96	12 90
8	253	1	17-100	"	10 12	92	11 04
9	253	2	17-100	"	10 12	92	11 04
10	253	3	17-100	"	10 12	92	11 04
11	253	36	20-100	W. McDonald	7 13	92	8 05
12	253	35	1-5	"	7 12	92	8 04
13	253	34	1-5	"	5 21	92	6 13
14	253	33	1-5	"	5 21	92	6 13
15	253	32	1-5	"	5 21	92	6 13
16	253	9	27-100	S. Queen	9 50	92	10 42
17	253	8	17-100	"	5 96	92	6 88
18	253	7	17-100	"	5 95	92	6 87

KETCHESON WARD—*Continued.*

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
19	253	34	1-5	E. Dufferin	7 13	92	8 05
20	253	35	1-5	"	7 15	92	8 07
21	253	36	24-100	W. Dufferin	8 69	92	9 61
22	253	35	24-100	"	8 69	92	9 61
23	253	34	23-100	"	8 69	92	9 61

BALDWIN WARD.

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
1	15	pt 65A	2-10	W. Front	87 00	2 84	89 84
2	16 6/7	22R&S	1-5	W. Charles	24 34	1 27	25 61
3	169	25	44-100	"	39 60	1 66	41 26
4	189	10 A	1-8	S. Alexander	46 15	1 82	47 97
5	212	A	1-3	S. Gt. St. James	142 84	4 24	147 08
6	228	27	1-5	E. Charles	33 03	1 49	34 52
7	286	20	1-5	W. Foster	25 47	1 30	26 77
8	287	21	1-5	"	25 47	1 30	26 77
9	289	23	1-5	"	25 18	1 30	26 78
10	296	30	1-5	"	29 53	1 40	30 93
11	297	31	1-5	"	14 76	1 04	15 80
12	298	32	1-5	"	23 85	1 27	25 12
13	299	33	1-5	"	23 85	1 27	25 12
14	300	34	17-100	S Pine	23 85	1 27	25 12
15	301	35	17-100	"	23 85	1 27	25 12
16	322	pt 52	1-10	W. Chatham	8 69	92	9 61
17	322	76	1-10	"	15 37	1 05	16 42
18	322	80	1-10	"	15 37	1 05	16 42
19	322	85	1-10	E. Chatham	11 62	96	12 58
20	322	77	1-10	"	11 92	96	12 88
21	322	69	1-10	"	7 64	92	8 56
22	322	67	1-10	"	7 64	92	8 56
23	322	65	1-10	"	11 93	96	12 89
24	327 A	106	1-5	W. Bleecker	11 29	96	12 25
25	327 B	105	1-5	E. Lingham	7 30	92	8 22
26	327 C	104	1-5	"	5 89	92	6 81
27	327 D	103	1-5	W. Bleecker	7 30	92	8 22
28	344	1	19-100	N. Hotel	7 15	92	8 07
29	344	2	1-5	"	7 15	92	8 07
30	344	3	1-5	"	7 15	92	8 07
31	344	29	20-100	W. Dufferin	5 35	92	6 27
32	344	28	21-100	"	5 70	92	6 62
33	344	27	21-100	"	5 69	92	6 61
34	344	26	22-100	"	5 94	92	6 86
35	344	25	23-100	"	6 54	92	7 46
36	344	24	24-100	"	7 12	92	8 04
37	344	19	1-5	E. Dufferin	5 36	92	6 28
38	344	20	1-5	"	5 36	92	6 28
39	344	21	1-5	"	5 36	92	6 28
40	344	22	1-5	"	5 35	92	6 27
41	344	23	1-5	"	5 35	92	6 27
42	344	4	1-5	N. Hotel	5 36	92	6 28
43	344	5	1-5	"	5 36	92	6 28
44	344	6	1-5	"	5 36	92	6 28
45	344	29	1-5	E. Dufferin	60	92	1 25
46	344	29	1-5	W. McDonald	6 83	92	7 75
47	344	19	1-5	"	6 83	92	7 75
48	344	18	1-5	"	5 35	92	6 27
49	344	17	1-5	"	5 36	92	6 28
50	344	16	1-5	"	5 35	92	6 27
51	344	15	1-5	"	5 36	92	6 28
52	344	14	1-5	"	5 35	92	6 27

BALDWIN WARD—*Continued.*

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
53	353	11	1-5	E. Alice	7 73	92	8 65
54	354	12	1-5	"	7 73	92	8 65
55	356	13	1-5	W. McDonald	7 73	92	8 65

BLEECKER WARD.

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
1	18	12 A	5-8	N. Gt. St. James	53 75	2 01	55 76
2	22	31 C	16-100	S. Gt. St. James	4 36	92	5 28
3	23	30 C	17-100	"	4 36	92	5 28
4	75	27	46-100	W. Johnson	22 55	1 23	23 78
5	80	26	1-2	E. Johnson	23 85	1 26	25 11
6	82	37	21-100	W. Charles	6 49	92	7 41
7	83	38	1-5	"	7 62	92	8 54
8	84	39	1-5	"	5 97	92	6 89
9	85	40 A	1-5	"	5 97	92	6 89
10	87	43	15-100	"	6 40	92	7 32
11	89	44	16-100	E. Charles	3 04	92	3 96
12	90	43	1-5	"	3 21	92	4 13
13	91	42	1-5	"	3 21	92	4 13
14	92	41	1-5	"	3 21	92	4 13
15	98	361	1-5	N. Pine	7 06	92	7 98
16	129	363	1-5	"	27 08	1 34	28 42
17	130	69	1-5	E. Victoria	8 69	92	9 61
18	130	70	1-5	N. Pine	17 39	1 10	18 49
19	130	71	1-5	"	17 39	1 10	18 49
20	130	72	1-3	"	23 85	1 27	25 12
21	130	75	1-5	"	23 85	1 27	25 12
22	185	4A	32-100	E. Canifton rd	3 80	92	4 72
23	186	3A	41-100	"	11 41	95	12 36
24	198A	Q	7-10	N. Station	38 04	1 62	39 66
25	198B	R	37-100	"	30 47	1 42	31 89
26	209	28	15-100	W. Northcott	2 36	92	3 28
27	210	27	17-100	"	2 98	92	3 90
28	211	26	19-100	"	2 98	92	3 90
29	212	25	21-100	"	4 13	92	5 05
30	213	24	15-100	"	2 98	92	3 90
31	214	23	18-100	"	1 77	92	2 69
32	215	22	1-12	"	1 17	92	2 09
33	216	21	12-100	"	2 36	92	3 28
34	239	8	19-100	W. Station	11 92	96	12 88
35	241	10	19-100	"	23 85	1 27	25 12
36	243	2	19-100	"	11 92	96	12 88
37	244	13	48-100	"	23 85	1 27	25 12
38	276	5W	4-5	W. Bleecker	40 86	1 69	42 55
39	285	A	1-5	E. Lingham	23 57	1 25	24 82
40	286	30	1-5	E. Emily	23 56	1 25	24 81
41	287	31	1-5	"	23 57	1 25	24 82
42	299	47	1-5	E. Bleecker	19 54	1 16	20 70
43	307	48	18-100	W. Bettes	10 42	93	11 35
44	314	5 E	66-100	E. Bleecker	36 61	1 58	38 19
45	316	pt 7 E	pt 65-100	"	30 45	1 42	31 87
46	317	pt 8 E	pt 64-100	"	8 69	92	9 61
47	318	1	1-5	N. Pine	11 92	96	12 88
48	321	10	22-100	W. Alice	5 96	92	6 88
49	322	9	22-100	"	5 96	92	6 88
50	323	8	22-100	"	5 96	92	6 88
51	324	7	22-100	"	7 63	92	8 55
52	325	6	22-100	"	7 63	92	8 55
53	331	1	17-100	N. Meyers	8 04	92	9 86
54	332	2	18-100	"	8 94	92	9 86

BLEECKER WARD—*Continued.*

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
55	335	5	1-5	S. Russell	4 74	92	5 66
56	336	6	1-5	"	4 74	92	5 66
57	340	4	1-5	E. Alice	4 74	92	5 66
58	341	5	1-5	"	4 74	92	5 66
59	342	6	1-5	"	4 73	92	5 65
60	351	8	1-5	N. Pine	4 74	92	5 66
61	356	6	1-5	W. McDonald	4 73	92	5 65
62	357	5	1-5	"	4 73	92	5 65
63	358	4	1-5	"	4 73	92	5 65
64	359	3	1-5	"	6 06	92	6 98
65	360	2	1-5	"	6 06	92	6 98
66	361	1	1-5	"	6 06	92	6 98
67	362	7	1-5	S. Russell...	6 06	92	6 98
68	363	8	1-5	S. Russell	6 06	92	6 98
69	364	7	1-5	N. Russell	4 73	92	5 65
70	365	6	1-5	"	4 73	92	5 65
71	366	5	1-5	"	4 73	92	5 65
72	367	4	1-5	"	4 73	92	5 65
73	397	C	8-10	N. Brassy 247	69	6 88	254 55
74	404	25	16-100	E. Starling...	9 04	92	9 96
75	408 A	A	1 13-100	S. Station	85 19	2 79	87 98
76	412	36	15-100	N. Ry. Terrace.....	55 64	2 06	57 70
77	436	W pt A	1 84-100	S. Con. road..... ...	19 10	1 14	20 24
78	438	2	43-100	"	13 92	1 01	14 93
79	439	3	17-100	"	5 21	92	6 13
80	446	42	23-100	"	90 45	293	93 38

COLEMAN WARD.

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
1	1 A	1 A	1-4	N. Moira.....	10 86	94	11 80
2	60	3	36-100	"	23 85	1 27	25 12
3	61	4	36-100	"	23 85	1 27	25 12
4	62	5	36-100	"	33 51	1 51	35 02
5	65	8	29-100	S. Purdy	33 51	1 51	35 02
6	66	9	29-100	"	14 30	1 02	15 32
7	68	11	3-10	"	23 85	1 27	25 12
8	69	12	3-10	"	30 47	1 43	31 90
9	73	16	1 3-5	W. Wallbridge... ...	23 44	1 25	24 69
10	74	17	1 46-100	"	47 72	1 86	49 58
11	78	21	1 55-100	"	78 06	2 62	80 68
12	82	25	46-100	E. Wallbridge... ...	15 21	1 05	16 26
13	100	41	32-100	N. Wallbridge... ...	7 62	92	8 54
14	103	44	22-100	"	5 22	92	6 14
15	104	78	39-100	E. Frank...	36 78	1 59	38 37
16	104	78	4	" S. or Con. rd.	21 84	1 21	23 05
17	105	79	4 38 100	S. Con. road	16 09	1 07	17 16
18	106	80	4 37 100	"	16 09	1 07	17 16
19	107	81	4 36-100	"	16 09	1 07	17 16
20	108	82	5 35-100	"	16 09	1 07	17 16
21	109	83	4 34-100	"	16 09	1 07	17 16
22	120	45	3-10	W. Gilbert	9 11	92	10 03
23	145	E	1-2	N. Moira...	11 94	96	12 90
24	215	3	15-100	E. Boswell	2 45	92	3 37
25	216	4	15-100	"	2 45	92	3 37
26	283	18	23-100	W. Gordon	42 25	1 72	43 97
27	287	27	15-100	"	12 21	97	13 18
28	320	14	15-100	E. Gordon	13 03	99	14 02
29	322	12	15-100	"	16 70	1 08	17 78
30	364	7	15-100	W. N. Front	29 82	1 41	31 23
31	336	5	15-100	"	21 75	1 21	22 96

COLEMAN WARD—*Continued.*

Sale No.	City No.	Lot No.	Quantity	Street	Taxes	Expenses	Total
32	350	4	1	E. Moira	175 70	5 06	180 76
33	405	E	13-100	N. Grove	23 85	1 26	25 11
34	469	4	½	E. Grove	13 03	99	14 02
35	474	B	17-100	E. Grier	17 89	1 11	19 00
36	475	11	½	"	41 77	1 71	43 18
37	513	3	½	E. Geddes	46 02	1 82	47 84
38	514	4	½	"	18 89	1 14	20 03
39	532	23	28-100	"	20 88	1 19	22 07
40	535	21	½	W. St. Charles... ...	9 08	92	10 00
41	536	20	½	"	35 48	1 55	37 03
42	540	16	½	W. St. Charles... ...	14 89	1 04	15 93
43	541	15	½	"	14 90	1 04	15 94
44	550	5	½	"	9 42	92	10 34
45	551	4	½	"	9 87	92	10 79
46	558	H	15-100	E. St. Charles... ...	30 44	1 43	31 87
47	559	2	12-100	"	7 81	92	8 73
48	561	11	15-100	"	16 58	1 08	17 66
49	568	2	15-100	"	29 83	1 41	31 24
50	577	9	1-5	S. Con. Road..... ...	13 02	99	14 01
51	581	13	1-5	"	29 81	1 41	31 22
52	582	M	6-100	"	2 98	92	3 90
53	597	8	1-5	W. Baldwin	11 70	96	12 66
54	598	7	1-5	"	11 70	96	12 66
55	614	21	1-5	E. Baldwin...	34 79	1 54	36 33
56	636	3		W. Moira	8 74	92	9 66
57	639	E	14-100	"	11 92	96	12 88
58	651	10	3-10	E. Moira	8 69	92	9 61
59	652	11	31-100	"	64 35	2 27	66 62
60	655	O	26-100	S. Con. Road	2 17	92	3 09

MURNEY WARD.

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
1	12	49	½	N. Parker	44 96	1 79	46 75
2	13	1	¼	"	15 14	1 04	16 18
3	51	8	28-100	E. Town Line	10 86	94	11 80
4	N pt 52A	30	3-100	W. Walter	2 17	92	3 09
5	97	1	½	S. Lewis...	47 99	1 86	49 85
6	104	4	½	S. Moira...	29 83	1 41	31 24
7	119	9	½	S. Lewis	26 23	1 32	27 55
8	143	1	7 AC	E. Yeomans	103 55	3 25	106 80
9	149	11	16-100	N. Catharine	26 09	1 29	27 38
10	155	18	13-100	W. Wickett	81 60	2 71	84 31
11	171 B	E pt 18	¼	N. Bridge	6 97	92	7 89
12	171 C	17	3-10	W Ridley	8 94	92	9 86
13	171 D	16	3-10	"	8 94	92	9 86
14	171 E	15	2-5	"	8 94	92	9 86
15	171 F	14	2-5	"	8 94	92	9 86
16	171 G	13	2-5	"	8 94	92	9 86
17	171 H	12	½	"	8 94	92	9 86
18	171 I	11	½	"	8 94	92	9 86
19	171 J	10	½	"	8 94	92	9 86
20	171 K	9	½	E. Ridley	8 94	92	9 86
21	171 L	8	½	"	8 94	92	9 86
22	171 O	6	4-10	"	8 94	92	9 86
23	171 P	5	4-10	"	8 95	92	9 87
24	171 F	4	4-10	"	8 94	92	9 86
25	171 R	3	2-5	"	8 95	92	9 87
26	171 S	2	2-5	"	8 94	92	9 86
27	171 T	1	½	N. Bridge	8 95	92	9 87

MURNEY WARD.—*Continued.*

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
28	176	5	16-100	S. Bridge	20 85	1 19	22 04
29	180	3	18-100	"	12 13	99	13 12
30	181	4	18-100	"	21 82	1 21	23 03
31	186	9	11-100	E. Wellington	6 06	92	6 98
32	198	20	83-100	S. Pope	34 79	1 54	36 33
33	208	21	48-100	N. Charlotte	17 39	1 10	18 49
34	235	56	½	N. Parker	8 07	92	8 99
35	241	5	11-100	S. Parker	1 79	92	2 71
36	242	16	9-100	E. Wellington	17 91	1 11	19 02
37	243	15	9-100	"	1 29	92	2 21
38	245	13	9-100	"	5 36	92	6 28
39	247	11	9-100	"	6 83	92	7 75
40	248	10	9-100	"	6 06	92	6 98
41	249	9	9-100	"	6 06	92	6 98
42	250	8	9-100	"	6 06	92	6 98
43	251	7	9-100	"	6 06	92	6 98
44	254	4	9-100	"	6 06	92	6 98
45	258	4	5-100	"	1 51	92	2 43
46	259	3	8-100	W. Henderson	7 60	92	8 52
47	263	5	8-100	E. Henderson	4 56	92	5 48
48	265	6	8-100	"	4 56	92	5 48
49	265	7	8-100	"	4 56	92	5 48
50	266	8	8-100	"	4 56	92	5 48
51	267	9	8-100	"	4 56	92	5 48
52	268	10	8-100	"	4 56	92	5 48
53	269	11	8-100	"	4 56	92	5 48
54	270	12	1-10	"	6 94	92	7 86
55	272	14	3-100	"	7 60	92	8 52
56	275	4	9-100	"	6 24	92	7 16
57	276	3	9-100	S. Parker	6 24	92	7 16
58	279	58	½	"	14 45	1 03	15 48
59	280	57	½	"	15 75	1 06	16 81
60	281	68	1	"	30 00	1 42	31 42
61	322	18	11-100	N. Dundas	6 55	92	7 47
62	323	19	1-10	"	6 39	92	7 31
63	324	17	18-100	W. Norfolk	11 61	96	12 57
64	325	16	1-5	"	12 52	98	13 50
65	340	34	1 ac.	W. Dundas	27 39	1 35	28 74
66	342	6	1 5-100	W. Commercial	184 33	5 28	189 61
67	386	11	17-100	N. Willard	16 45	1 08	17 53
68	387	12	17-100	"	12 13	97	13 10
69	388	13	17-100	"	12 13	97	13 10
70	441	4	1-5	E. Dundas	17 91	1 11	19 02
71	450	10	16-100	W. Octavia	17 90	1 11	19 01
72	451	9	16-100	"	17 90	1 11	19 01
73	453	7	15-100	"	17 81	1 11	19 02
74	455	5	15-100	"	17 90	1 11	19 01
75	456	4	15-100	"	17 90	1 11	19 01
76	460	1	11-100	S. Catharine	4 14	92	5 06
77	461	2	11-100	"	4 14	92	5 06
78	462	3	11-100	"	4 14	92	5 06
79	463	3	11-100	N. Edith	3 57	92	4 49
80	464	2	11-100	"	3 57	92	4 49
81	465	1	11-100	"	4 15	92	5 07
82	466	1	11-100	S. Edith	4 15	92	5 07
83	467	2	11-100	"	3 57	92	4 49
84	468	3	11-100	"	3 57	92	4 49
85	473	5	11-100	E. Octavia	14 78	1 04	15 82
86	474	6	11-100	"	14 78	1 04	15 82
87	475	7	11-100	"	14 78	1 04	15 82
88	500	20	1-5	N. Catharine	5 08	92	6 00
89	523	10	1-10	W. Howard	5 02	92	5 94
90	527	6	1-5	"	26 80	1 34	28 14

MURNEY WARD—*Continued.*

Sale No.	City No.	Lot No.	Size	Street	Taxes	Costs	Total
91	534	1	1-5	F. Ponton	26 80	1 34	28 14
92	540	2	1-5	N. Green	26 80	1 34	28 14
93	543	5	15-100	E. Ponton	4 88	92	5 80
94	547	12	1-5	S. Moira	26 80	1 34	28 14
95	549	10	1-5	"	19 04	1 14	20 18
96	538	4	1-5	E. Howard	8 73	92	9 65
97	559	5	1-5	"	26 80	1 34	28 14
98	560	6	1-5	"	8 73	92	9 65
99	565	9	17-100	N. Holloway	18 70	1 14	19 84
100	566	8	17-100	"	7 81	92	8 73
101	580	3	1-5	S. Moira	20 90	1 19	22 09
102	581	2	1-5	"	8 14	92	9 06
103	585	3	23-100	E. Hillside	40 23	1 67	41 90
104	590	8	14-100	"	10 86	94	11 80
105	591	9	23-100	"	15 98	1 06	17 04
106	592	10	1-5	"	33 51	1 50	35 01
107	613	52	3-5	W. Octavia 652	67	16 98	669 65
108	615	38	1-4	"	17 90	1 11	19 01
109	616	37	1-4	"	13 43	1 03	14 46
110	674	17	13-100	W. Cedar	21 47	1 20	22 67
111	676	19	14-100	"	22 05	1 22	23 27
112	680	23	15-100	"	22 05	1 22	23 27
113	689	25	11-100	E. Cedar	17 90	1 11	19 01
114	698	16	11-100	"	17 89	1 11	19 00
115	704	10	11-100	"	24 85	1 29	26 14
116	713	1	15-100	"	17 90	1 11	19 01
117	715	2	11-100	W. Everett	8 94	92	9 86
118	717	4	11-100	"	8 94	92	9 86
119	719	6	11-100	"	8 94	92	9 86
120	721	8	11-100	"	8 94	92	9 86
121	723	10	11-100	"	8 94	92	9 86
122	725	12	11-100	"	8 95	92	9 87
123	727	14	11-100	"	8 95	92	9 87
124	766	16	11-100	E. Everett	8 69	92	9 61
125	776	6	11-100	"	23 85	1 27	25 12
126	777	5	11-100	"	23 85	1 27	25 12
127	826	3	1-5	S. Dundas	14 78	1 04	15 82
128	846	5	1-5	W. James	15 21	1 05	16 26
129	851	A	4-10	E James	15 21	1 05	16 26
130	872	6	15-100	W. King	11 92	96	12 88
131	887	H	7-100	W. Coleman	3 28	92	4 20

SCHEDULE "C."

Lands taken from Schedule "A," 1898, Tax Sale.

FOSTER WARD.

Sale No.	City No.	Lot No.	Quantity.	Street.
3	87	13	½	W. Church.
7	122	11	½	E. Church.
8	126	13	½	E. Church.
11	157	15	½	W. John.
12	158	16	½	W. John.
13	159	17	22-100	W. John.
33	266	5	½	N. Bay.
34	267	4	½	N. Bay.
36	281	16	½	S. Bay.
38	296	10b	9-100	E. Foster.
39	300	7	15-100	S. Franklin.

FOSTER WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
40	302	6	15-100	N. Wills.
41	303	7	15-100	N. Wills.
42	304	8	15-100	N. Wills.
43	305	9	15-100	N. Wills.

SAMSON WARD.

2	81	21c	7-100	W. Church.
8	219	82	29-100	W. Foster.
9	243r	23	19-100	E. Burnham.
10	243s	24	19-100	E. Burnham.
11	243t	27	17-100	E. Burnham.
12	243u	28	17-100	E. Burnham.
13	243v	31	17-100	E. Burnham.
14	270	51	24-100	W. Dufferin.
15	270	52	24-100	W. Dufferin.
16	270	53	23-100	W. Dufferin.
17	270	54	23-100	W. Dufferin.
18	270	55	23-100	W. Dufferin.
19	270	56	23-100	W. Dufferin.
20	270	57	23-100	W. Dufferin.
21	270	49	1-5	E. Dufferin.
22	270	48	1-5	E. Dufferin.
23	270	47	1-5	E. Dufferin.
24	270	46	1-5	E. Dufferin.
25	270	45	1-5	E. Dufferin.
26	270	44	1-5	E. Dufferin.
27	270	41	23-100	W. McDonald.
28	270	42	23-100	W. McDonald.
29	270	43	23-100	W. McDonald.

KETCHESON WARD.

1	224d	37	1-10	E. Chatham.
2	224d	39	1-10	E. Chatham.
3	224d	41	1-10	E. Chatham.
4	224d	43	1-10	E. Chatham.
5	224d	45	1-10	E. Chatham.
6	224d	47	1-10	E. Chatham.
7	232	6	22-100	E. Foster.
8	233	5	22-100	E. Foster.
9	234	4	22-100	E. Foster.
10	235	3	22-100	E. Foster.
11	249	22	88-100	E. Bleecker.
16	253	32	1-5	E. Dufferin.
17	253	33	1-5	E. Dufferin.
18	253	33	21-100	W. Dufferin.
19	253	32	18-100	W. Dufferin.

BALDWIN WARD.

3	156	0	35-100	E. Ann.
4	169	25	44-100	W. Charles.
12	303	34	1-5	E. Foster.
13	304	33	1-5	E. Foster.
14	305	32	1-5	E. Foster.
15	306	31	1-5	E. Foster.
16	307	30	1-5	E. Foster.
17	308	29	1-5	E. Foster.
18	322	70	1-10	W. Chatham.
19	322	82	1-10	W. Chatham.
20	322	84	1-10	W. Chatham.
21	322	86	1-10	W. Chatham.

BALDWIN WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
23	339	n ½ 14 e n ½	56-100	E. Bleeker.
24	344	23	24-100	W. Dufferin.
25	344	22	¼	W. Dufferin.
26	344	21	¼	W. Dufferin.
27	344	20	26-100	W. Dufferin.
28	344	19	26-100	W. Dufferin.
29	344	14	1-5	E. Dufferin.
30	344	15	1-5	E. Dufferin.
31	344	16	1-5	E. Dufferin.
32	344	17	1-5	E. Dufferin.
33	344	18	1-5	E. Dufferin.
38	344	27	1-5	W. McDonald.
39	344	26	1-5	W. McDonald.
40	344	25	1-5	W. McDonald.
42	355	13	1-5	E. Alice.
43	357	12	1-5	W. McDonald.
44	358	11	1-5	W. McDonald.
45	359	6	1-5	S. Pine.
46	360	7	1-5	S. Pine.
47	361	8	1-5	S. Pine.

BLEECKER WARD.

50	76	22	½	W. Johnston.
51	82	37	21-100	W. Charles.
52	84	39	1-5	W. Charles.
53	85	40a	1-5	W. Charles.
54	86	42a	33-100	W. Charles.
55	89	44	16-100	E. Charles.
56	90	43	1-5	E. Charles.
57	91	42	1-5	E. Charles.
58	92	41	1-5	E. Charles.
59	93	40	1-5	E. Charles.
60	94	39	1-5	E. Charles.
62	103	39	1-5	W. Albion.
63	104	40	1-5	W. Albion.
64	105	41	1-5	W. Albion.
65	106	42	1-5	W. Albion.
66	107	43	18-100	W. Albion.
67	108	14	35-100	W. Albion.
68	109	13	3-10	W. Albion.
69	110	A	33-100	W. Albion.
70	117	B	22-100	E. Albion.
71	118	A	37-100	E. Albion.
72	123	1	4-10	E. Albion.
73	130	72	1-5	N. Pine.
74	130	73	1-5	W. Victoria.
75	130	74	1-5	W. Victoria.
76	130	75	1-5	N. Pine.
77	131	16	35-100	W. Victoria.
78	132	17	¼	W. Victoria.
79	133	18	¼	W. Victoria.
80	134	21	¼	W. Victoria.
81	135	22	¼	W. Victoria.
82	136	25	¼	W. Victoria.
83	137	26	¼	W. Victoria.
84	138	29	½	W. Victoria.
85	140	33	18-100	W. Victoria.
86	163	A	1¾	W. Canifton Road.
87	171	3	45-100	W. Canifton Road.
88	203	S	15-100	N. Station.
89	204	T	44-100	N. Station.
90	205	32	¼	W. Northcott.

BLEECKER WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity	Street.
91	206	31	18-100	W. Northcott.
92	207	30	11-100	W. Northcott.
93	208	29	13-100	W. Northcott.
94	228	42	21-100	S. Con. Road.
96	234	3	19-100	W. Station.
97	235	4	19-100	W. Station.
98	236	5	19-100	W. Station.
99	237	6	19-100	W. Station.
100	238	7	19-100	W. Station.
101	249	48	21-100	E. Victoria.
102	250	49	21-100	E. Victoria.
103	251	50	22-100	E. Victoria.
104	252	51	22-100	E. Victoria.
105	253	52	22-100	E. Victoria.
107	255	54	21-100	E. Victoria.
108	256	55	18-100	E. Victoria.
109	263	62	¼	E. Victoria.
110	264	63	¼	E. Victoria.
111	265	64	¼	E. Victoria.
112	266	65	¼	E. Victoria.
113	267	66	¼	E. Victoria.
114	268	67	¼	E. Victoria.
115	269	68	27-100	E. Victoria.
120	315	6E	66-100	E. Bleeker.
128	382	24	1-5	W. Bleeker.
129	384	23	15-100	N. Emily.
130	389	15	1-5	S. Lime.
131	390	16	1-5	S. Lime.
132	391	17	11-100	W. Bleeker.
133	398	D	26-100	E. Starling.
134	399	20	1-5	E. Starling.
135	400	21	1-5	E. Starling.
136	401	22	1-5	E. Starling.
137	402	23	14-100	E. Starling.
138	403	24	12-100	E. Starling.
139	405	26	22-100	S. Station.
140	406	27	17-100	S. Station.
141	409	33	12-100	W. Starling.
142	410	34	18-100	W. Starling.
143	411	35	1-10	N. Railway Terrace.
144	436	e pt A	46-100	S. Con. Road.
145	437	1	4-10	S. Con. Road.
146	443	B	8-100	S. Con. Road.
147	447	43	22-100	S. Con. Road.
148	448	44	21-100	S. Con. Road.
149	449	45	21-100	S. Con. Road.
150	450	46	20-100	S. Con. Road.

COLEMAN WARD.

1	60	3	36-100	N. Moira.
2	61	4	39-100	N. Moira.
3	66	9	29-100	S. Purdy.
4	67	10	3-10	S. Purdy.
5	68	11	3-10	S. Purdy.
6	73	16	1 3-5	W. Wallbridge.
7	74	17	1 46-100	W. Wallbridge.
8	78	21	1 55-100	W. Wallbridge.
9	84	27	48-100	E. Wallbridge.
10	100	41	32-100	N. Wallbridge.
11	101	42	28-100	N. Wallbridge.
12	102	43	25-100	N. Wallbridge.
13	104	78	4	E. Frank.

COLEMAN WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
16	107	81	4 36-100	S. Con. Road.
17	108	82	4 35-100	S. Con. Road.
18	109	83	4 35-100	S. Con. Road.
19	111	54	½	W. Fahey.
20	118	48	¼	N. Stephenson.
21	126	59	¼	S. Stephenson.
23	146	2	4-10	N. Moira.
24	147	3	8-100	N. Moira.
25	148	4	9-100	N. Moira.
26	149	5	1-10	N. Moira.
27	153	35	9-100	(rear of 145).
28	154	34	9-100	(rear of 145).
29	155	33	9-100	(rear or 145).
30	156	32	9-100	(rear of 145).
31	157	31	11-100	E. Fahey.
32	158	30	15-100	E. Fahey.
33	166	A	14-100	N. Harriet.
34	167	B	15-100	E. Fahey.
35	168	C	15-100	E. Fahey.
36	169	D	16-100	E. Fahey.
37	170	4	18-100	E. Fahey.
38	171	5	18-100	E. Fahey.
39	172	6	18-100	E. Fahey.
40	173	7	17-100	E. Fahey.
41	174	8	17-100	E. Fahey.
42	175	9	17-100	E. Fahey.
43	176	9	...	W. Boswell.
44	177	8	...	W. Boswell.
45	178	7	...	W. Boswell.
46	179	6	...	W. Boswell.
47	180	5	...	W. Boswell.
48	181	4	...	W. Boswell.
49	182	3	...	W. Boswell.
50	183	2	...	W. Boswell.
51	184	1	...	W. Boswell.
52	185	22	...	W. Boswell.
53	186	21	...	W. Boswell.
54	187	20	...	W. Boswell.
55	188	19	...	W. Boswell.
56	189	18	...	W. Boswell.
57	190	17	...	W. Boswell.
58	191	16	...	W. Boswell.
59	192	15	...	W. Boswell.
60	193	14	...	W. Boswell.
61	194	13	...	W. Boswell.
62	195	12	...	W. Boswell.
63	196	11	...	W. Boswell.
64	197	10	...	W. Boswell.
65	213	1	15-100	E. Boswell.
67	219	7	15-100	E. Boswell.
68	220	8	15-100	E. Boswell.
69	221	9	15-100	E. Boswell.
70	228	D	27-100	E. Coleman.
71	280	21	23-100	W. Gordon.
72	281	20	23-100	W. Gordon.
73	282	19	23-100	W. Gordon.
74	284	17	23-100	W. Gordon.
75	285	16	23-100	W. Gordon.
76	286	15	23-100	W. Gordon.
77	288	26	15-100	W. Gordon.
78	306	14	62-100	W. Moira.
79	326	10	17-100	E. Gordon.
80	327	9	22-100	E. Gordon.

COLEMAN WARD —*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
81	328	8	22-100	E. Gordon.
91	559	2	12-100	E. St. Charles.
92	561	11	15-100	E. St. Charles.
93	583	L	6-100	W. Moira.
94	613	22	1-5	E. Baldwin.
95	623	14	pt 1-5	W. Moira.
96	626	11	1-5	W. Moira.
97	641	E	7-100	E. Moira.
98	654	N	...	S. Con. Road.

MURNEY WARD.

27	54	4	26-100	S. Wilkins.
28	61	13	¼	N. Wilkins.
30	65	9	¼	N. Wilkins.
31	66	10	28-100	E. Town Line.
34	171B	E pt 18	½	N. Bridge.
35	171C	17	3-10	W. Ridley.
36	171D	16	3-10	W. Ridley.
37	171E	15	2-5	W. Ridley.
38	171F	14	2-5	W. Ridley.
39	171G	13	2-5	W. Ridley.
40	171H	12	½	W. Ridley.
41	171I	11	½	W. Ridley.
42	171J	10	¾	W. Ridley.
43	171K	9	¾	E. Ridley.
44	171L	8	½	E. Ridley.
45	171O	6	4-10	E. Ridley.
46	171P	5	4-10	E. Ridley.
47	171Q	4	4-10	E. Ridley.
48	171R	3	2-5	E. Ridley.
49	117S	2	2-5	E. Ridley.
50	171T	1	½	N. Bridge.
51	176	5	16-100	S. Bridge.
53	186	9	11-100	E. Wellington.
54	187	10	11-100	E. Wellington.
55	188	11	15-100	N. Pope.
56	189	12	15-100	N. Pope.
57	192	7	13-100	N. Pope.
58	193	8	13-100	N. Pope.
59	194	9	13-100	N. Pope.
65	316	28	11-100	N. Norfolk.
66	319	22	24-100	E. Norfolk.
67	320	21	19-100	N. Dundas.
68	321	20	15-100	N. Dundas.
71	339	1	24-100	E. Commercial.
74	387	12	17-100	N. Willard.
75	388	13	17-100	N. Willard.
95	513	4	16-100	S. Holloway.
96	523	10	1-10	W. Howard.
97	526	7	1-5	W. Howard.
98	530	3	1-5	W. Howard.
99	531	1	1-5	S. Green.
100	533	3	17-100	S. Green.
101	535	2	13-100	E. Ponton.
102	539	1	1-5	N. Green.
103	541	3	1-5	N. Green.
104	543	5	15-100	E. Ponton.
105	548	11	1-5	S. Moira.
106	549	10	1-5	S. Moira.
107	558	4	1-5	E. Howard.
108	560	6	1-5	E. Howard.
115	598	A	16-100	N. Holloway.

MURNEY WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
109	562	8	1-5	E. Howard.
110	566	8	17-100	N. Holloway.
111	580	3	1-5	S. Moira.
112	581	2	1-5	S. Moira.
114	588	6	18-100	E. Hillside.
116	599	B	16-100	E. Octavo.
117	674	17	17-100	W. Cedar.
118	676	19	14-100	W. Cedar.
119	680	23	15-100	W. Cedar.
120	689	25	11-100	E. Cedar.
121	698	16	11-100	E. Cedar.
122	704	10	11-100	E. Cedar.
123	713	1	15-100	E. Cedar.
124	715	2	11-100	W. Everett.
125	717	4	11-100	W. Everett.
126	719	6	11-100	W. Everett.
127	721	8	11-100	W. Everett.
128	723	10	11-100	W. Everett.
129	725	12	11-100	W. Everett.
130	727	14	11-100	W. Everett.
131	776	6	11-100	E. Everett.
132	777	5	11-100	E. Everett.
133	814a	1	8-100	S. Bridge.
134	814b	2	7-100	S. Bridge.
135	836	1	1-5	S. Dundas.
137	878	3	23-100	S. Coleman.

Lands taken from Schedule "B," 1902, Tax Sale.

FOSTER WARD.

3	100	6	½	W. Church.
6	121	10B	¼	E. Church.
7	123	12A	1-6	E. Church.
8	124	12B	1-6	E. Church.
9	125	12C	1-6	E. Church.
10	156	14	¼	W. John.
11	168	1	1-5	E. John.
14	201	9	¼	W. Maria.
15	203	11	¼	W. Maria.
16	216	9A	14-100	W. Maria.
17	219	6	14-100	W. Maria.
18	220	4	1-5	W. Maria.
19	221	2	1-5	W. Maria.
20	222	27	1-5	E. Maria.
21	223	26	29-100	E. Maria.
22	224	25	29-100	E. Maria.
23	225	24	28-100	E. Maria.
24	226	23	28-100	E. Maria.
25	227	22	27-100	E. Maria.
26	228	21	27-100	E. Maria.
29	238	11	21-100	E. Maria.
31	262	9	27-100	S. Dundas.
32	263	8	26-100	S. Dundas.
37	283	14	½	S. Bay.
38	284	13	½	S. Bay.
39	290	pt 6	8-100	N. Franklin.
40	291	7	15-100	N. Franklin.
41	295	10A	1-10	N. Franklin.
42	298	9	15-100	S. Franklin.
43	306	10	15-100	N. Wills.

SAMSON

SAMSON WARD.

Sale No.	City No.	Lot No.	Quantity.	Street.
4	180A	6	9-100	E. Charles.
5	180B	7	9-100	E. Charles.
6	180C	8	1-10	E. Charles.
7	180D	9	1-10	E. Charles.
8	180K	16	13-100	W. Albert.
12	243H	37	18-100	W. Burnham.
13	243X	35	19-100	E. Burnham.
14	243Y	36	19-100	E. Burnham.
15	243Z	39	19-100	E. Burnham.
17	256	31W	1 5-10	W. Bleeker.
18	258	29W	1 5-10	W. Bleeker.
19	265	29E	92-100	E. Bleeker.
20	267	31E	87-100	E. Bleeker.
22	270	48	23-100	W. Dufferin
23	270	49	24-100	W. Dufferin.
24	270	50	24-100	W. Dufferin.
25	270	43	1-5	E. Dufferin.
26	270	42	1-5	E. Dufferin.
27	270	41	1-5	E. Dufferin.
28	270	44	23-100	W. McDonald.
29	270	45	23-100	W. McDonald.
38	271	35	½	N. Dundas.

KETCHESON WARD.

3	212	3	22-100	W. Foster.
4	213	4	22-100	W. Foster.
5	214	5	22-100	W. Foster.
6	224D	49	1-10	E. Chatham
7	253	A	1-5	N. Bridge.
8	253	1	17-100	N. Bridge.
9	253	2	17-100	N. Bridge.
10	253	3	17-100	N. Bridge.
19	253	34	1-5	E. Dufferin.
20	253	35	1-5	E. Dufferin.
21	253	36	24-100	W. Dufferin.
22	253	35	24-100	W. Dufferin.
23	253	34	23-100	W. Dufferin.

BALDWIN WARD.

2	166/6	22R&S	1-4	W. Charles.
4	189	10A	1-8	S. Alexander.
5	212	A	1-3	S. Gt. St. James.
11	297	31	1-5	W. Foster.
12	298	32	1-5	W. Foster.
13	299	33	1-5	W. Foster.
14	300	34	17-100	S. Pine.
15	301	35	17-100	S. Pine.
16	322	pt 52	1-10	W. Chatham.
17	322	76	1-10	W. Chatham.
18	322	80	1-10	W. Chatham.
19	322	85	1-10	E. Chatham.
20	322	77	1-10	E. Chatham.
21	322	69	1-10	E. Chatham.
22	322	67	1-10	E. Chatham.
23	322	65	1-10	E. Chatham.
7	286	20	1-5	W. Foster.
8	287	21	1-5	W. Foster.
9	289	23	1-5	W. Foster.
10	296	30	1-5	W. Foster.
24	327A	106	1-5	W. Bleeker.
25	327B	105	1-5	E. Lingham.

BALDWIN WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
26	327C	104	1-5	E. Lingham.
27	327D	103	1-5	W. Bleeker.
28	344	1	19-100	N. Hotel.
29	344	2	1-5	N. Hotel.
30	344	3	1-5	N. Hotel.
31	344	29	20-100	W. Dufferin.
32	344	28	21-100	W. Dufferin.
33	344	27	21-100	W. Dufferin.
34	344	26	22-100	W. Dufferin.
35	344	25	23-100	W. Dufferin.
36	344	24	24-100	W. Dufferin.
37	344	19	1-5	E. Dufferin.
38	344	20	1-5	E. Dufferin.
39	344	21	1-5	E. Dufferin.
40	344	22	1-5	E. Dufferin.
41	344	23	1-5	E. Dufferin.
42	344	4	1-5	N. Hotel.
43	344	5	1-5	N. Hotel.
44	344	6	1-5	N. Hotel.
45	344	29	1-5	E. Dufferin.
46	344	29	1-5	W. McDonald.
47	344	19	1-5	W. McDonald.
48	344	18	1-5	W. McDonald.
49	344	17	1-5	W. McDonald.
50	344	16	1-5	W. McDonald.
51	344	15	1-5	W. McDonald.
52	344	14	1-5	W. McDonald.
53	353	11	1-5	E. Alice.
54	354	12	1-5	E. Alice
55	356	13	1-5	W. McDonald.

BLEECKER WARD.

1	18	12A	5-8	N. Gt. St. James.
2	22	31C	16-100	S. Gt. St. James.
3	23	30C	17-100	S. Gt. St. James.
4	75	27	46-100	W. Johnson.
5	80	26	1-2	E. Johnson.
6	82	37	21-100	W. Charles.
7	83	38	1-5	W. Charles.
8	84	39	1-5	W. Charles.
9	85	40A	1-5	W. Charles.
10	87	43	15-100	W. Charles.
11	89	44	16-100	E. Charles.
12	90	43	1-5	E. Charles.
13	91	42	1-5	E. Charles.
14	92	41	1-5	E. Charles.
15	98	361	1-5	N. Pine
16	129	363	1-5	N. Pine.
17	130	69	1-5	E. Victoria.
18	130	70	1-5	N. Pine.
19	130	71	1-5	N. Pine.
20	130	72	1-5	N. Pine.
21	130	75	1-5	N. Pine.
22	185	4A	62-100	E. Canifton Road.
23	186	3A	41-100	E. Canifton Road.
24	198A	Q	7-10	N. Station.
25	198B	R	37-100	N. Station.
26	209	28	15-100	W. Northcott.
27	210	27	17-100	W. Northcott.
28	211	26	19-100	W. Northcott.
29	212	25	21-100	W. Northcott.
30	213	24	15-100	W. Northcott.

BLEECKER WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
31	214	23	18-100	W. Northcott.
32	215	22	1-12	W Northcott.
33	216	21	12-100	W. Northcott.
34	239	8	19-100	W. Station.
35	241	10	19-100	W. Station.
37	244	13	48-100	W. Station.
36	243	12	19-100	W. Station.
38	276	5W	4-5	W. Bleeker.
41	287	31	1-5	S. Emily.
42	299	47	1-5	E. Bleeker.
43	307	48	18-100	W. Bettes.
44	314	5E	66-100	E. Bleeker.
45	316	pt 7 E pt	65-100	E. Bleeker.
46	317	pt 8 E pt	64-100	E. Bleeker.
47	318	1	1-5	N. Pine.
48	321	10	22-100	W. Alice.
49	322	9	22-100	W. Alice.
50	323	8	22-100	W. Alice.
51	324	7	22-100	W. Alice.
52	325	6	22-100	W. Alice.
53	331	1	17-100	N. Meyers.
54	332	2	18-100	N. Meyers.
55	335	5	1-5	S. Russell.
56	336	6	1-5	S. Russell.
57	340	4	1-5	E. Alice.
58	341	5	1-5	E. Alice.
59	342	6	1-5	E. Alice.
60	351	8	1-5	N. Pine.
61	356	6	1-5	W. McDonald.
62	357	5	1-5	W. McDonald.
63	358	4	1-5	W. McDonald.
64	359	3	1-5	W. McDonald.
65	360	2	1-5	W. McDonald.
66	361	1	1-5	W. McDonald.
67	362	7	1-5	S. Russell.
68	363	8	1-5	S. Russell.
69	364	7	1-5	N. Russell.
70	365	6	1-5	N. Russell.
71	366	5	1-5	N. Russell.
72	367	4	1-5	N. Russell.
73	397	C	8-10	N. Brassey.
74	404	25	16-100	E. Starling.
75	408A	A	1 13-100	S. Station.
76	412	36	15-100	N. Ry. Terrace.
77	436	W pt A	1 84-100	S. Con. Road.
78	438	2	43-100	S. Con. Road.
79	439	3	17-100	S. Con. Road.
80	446	42	23-100	S. Con. Road.

COLEMAN WARD.

1	1A	1A	1-4	N. Moira.
2	60	3	36-100	N. Moira.
3	61	4	36-100	N. Moira.
4	62	5	36-100	N. Moira.
5	65	8	29-100	S. Purdy.
6	66	9	29-100	S. Purdy.
7	68	11	3-10	S. Purdy.
8	69	12	3-10	S. Purdy.
9	73	16	1 3-5	W. Wallbridge.
10	74	17	1 46-100	W. Wallbridge.
11	78	21	1 56-100	W. Wallbridge.
12	82	25	46-100	E. Wallbridge.

COLEMAN WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
13	100	41	32-100	N. Wallbridge.
14	103	44	22-100	N. Wallbridge.
15	104	78	39-100	E. Frank.
16	104	78	4	E. Frank or S. Con. Rd.
17	105	79	4 38-100	S. Con. Road.
18	106	80	4 37-100	S. Con. Road.
19	107	81	4 36-100	S. Con. Road.
20	108	82	6 35-100	S. Con. Road.
21	109	83	4 34-100	S. Con. Road.
22	120	45	3-10	W. Gilbert.
23	145	E	1-2	N. Moira.
24	215	3	15-100	E. Boswell.
25	216	4	15-100	E. Boswell.
26	283	18	23-100	W. Gordon.
27	287	27	15-100	W. Gordon.
28	320	14	15-100	E. Gordon.
29	322	12	15-100	E. Gordon.
30	334	7	15-100	W. N. Front.
31	336	5	15-100	W. N. Front.
32	350	4	1	E. Moira.
34	469	4	1-4	E. Grove.
37	513	3	1-4	E. Geddes.
38	514	4	1-4	E. Geddes.
39	532	23	28-100	E. Geddes.
40	535	21	1-4	W. St. Charles.
41	536	20	1-4	W. St. Charles.
42	540	16	1-4	W. St. Charles.
43	541	15	1-4	W. St. Charles.
45	551	4	1-4	W. St. Charles.
47	559	2	12-100	E. St. Charles.
48	561	11	15-100	E. St. Charles.
49	568	2	15-100	E. St. Charles.
51	581	13	1-5	S. Con. Road.
52	582	M	6-100	S. Con. Road.
60	655	O	26-100	S. Con. Road.

MURNEY WARD.

3	51	8	28-100	E. Town Line.
4	N pt 52A	30	3-100	W. Walter.
6	104	4	1-2	S. Moira.
7	119	9	1-2	S. Lewis.
9	149	11	16-100	N. Catharine.
12	171C	17	3-10	W. Ridley.
13	171D	16	3-10	W. Ridley.
14	171E	15	2-5	W. Ridley.
15	171F	14	2-5	W. Ridley.
16	171G	13	2-5	W. Ridley.
19	171J	10	3-4	W. Ridley.
20	171K	9	3-4	E. Ridley.
22	171O	6	4-10	E. Ridley.
23	171P	5	4-10	E. Ridley.
24	171Q	4	4-10	E. Ridley.
25	171R	3	2-5	E. Ridley.
26	171S	2	2-5	E. Ridley.
28	176	5	16-100	S. Bridge.
31	186	9	11-100	E. Wellington.
32	198	20	83-100	S. Pope.
33	208	21	48-100	N. Charlotte.
38	245	13	9-100	E. Wellington.
39	247	11	9-100	E. Wellington.
40	248	10	9-100	E. Wellington.

MURNEY WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
41	249	9	9-100	E. Wellington.
42	250	8	9-100	E. Wellington.
43	251	7	9-100	E. Wellington.
44	254	4	9-100	E. Wellington.
46	259	3	8-100	W. Henderson.
47	263	5	8-100	E. Henderson.
48	265	6	8-100	E. Henderson.
49	265	7	8-100	E. Henderson.
50	266	8	8-100	E. Henderson.
51	267	9	8-100	E. Henderson.
52	268	10	8-100	E. Henderson.
53	269	11	8-100	E. Henderson.
54	270	12	1-10	E. Henderson.
55	272	14	3-100	E. Henderson.
56	275	4	9-100	E. Henderson.
57	276	3	9-100	S. Parker.
61	322	18	11-100	N. Dundas.
62	323	19	1-10	N. Dundas.
63	324	17	18-100	W. Norfolk.
64	325	16	1-5	W. Norfolk.
69	388	13	17-100	N. Willard.
71	450	10	16-100	W. Octavia.
72	451	9	16-100	W. Octavia.
73	453	7	15-100	W. Octavia.
74	455	5	15-100	W. Octavia.
75	456	4	15-100	W. Octavia.
76	460	1	11-100	S. Catharine.
77	461	2	11-100	S. Catharine.
78	462	3	11-100	S. Catharine.
79	463	3	11-100	N. Edith.
80	464	2	11-100	N. Edith.
81	465	1	11-100	N. Edith.
82	466	1	11-100	S. Edith.
83	467	2	11-100	S. Edith.
84	468	3	11-100	S. Edith.
85	473	5	11-100	E. Octavia.
86	474	6	11-100	E. Octavia.
87	475	7	11-100	E. Octavia.
88	500	20	1-5	N. Catharine.
89	523	10	1-10	W. Howard.
90	527	6	1-5	W. Howard.
91	534	1	1-5	E. Ponton.
92	540	2	1-5	N. Green.
93	543	5	15-100	E. Ponton.
94	547	12	1-5	S. Moira.
95	549	10	1-5	S. Moira.
96	558	4	1-5	E. Howard.
97	559	5	1-5	E. Howard.
98	560	6	1-5	E. Howard.
99	565	9	17-100	N. Holloway.
100	566	8	17-100	N. Holloway.
101	580	3	1-5	S. Moira.
102	581	2	1-5	S. Moira.
103	585	3	23-100	E. Hillside.
104		8	14-100	E. Hillside.
105	591	9	23-100	E. Hillside.
106	592	10	1-5	E. Hillside.
107	613	52	3-5	W. Octavia.
109	616	37	1-4	W. Octavia.
110	674	17	13-100	W. Cedar.
111	676	19	14-100	W. Cedar.

MURNEY WARD.—*Continued.*

Sale No.	City No.	Lot No.	Quantity.	Street.
112	680	23	15-100	W. Cedar.
113	689	25	11-100	E. Cedar.
114	698	16	11-100	E. Cedar.
115	704	10	11-100	E. Cedar.
116	713	1	15-100	E. Cedar.
117	715	2	11-100	W. Everett.
118	717	4	11-100	W. Everett.
119	719	6	11-100	W. Everett.
120	721	8	11-100	W. Everett.
121	723	10	11-100	W. Everett.
122	725	12	11-100	W. Everett.
123	727	14	11-100	W. Everett.
124	766	16	11-100	E. Everett.
125	776	6	11-100	E. Everett.
126	777	5	11-100	E. Everett.
127	826	3	1-5	S. Dundas.
128	846	5	1-5	W. James.
129	851	A	4-10	E. James.
131	887	H	7-100	W. Coleman.

CHAPTER

CHAPTER 41.

An Act respecting the Town of Bowmanville.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Corporation of the Town of Bowmanville has by petition represented that the said Corporation duly passed a by-law intituled "By-law No. 694—By-law of the Corporation of the Town of Bowmanville authorizing the Corporation to loan The Durham Rubber Company, Limited, $15,000.00, and to raise the same for the purposes of the said loan," a copy whereof is set out in Schedule "A" to this Act; and also a by-law intituled "By-law No. 695—By-law of the Corporation of the Town of Bowmanville authorizing the Corporation to exchange the indebtedness of The Durham Rubber Company, Limited, of $8,030.00, to them to a bonus of same amount secured by a mortgage on its real estate, plant, and machinery," a copy whereof is set out in Schedule "B" to this Act; that said by-laws were separately on the tenth day of March, 1905, submitted to a vote of the ratepayers of the said Corporation entitled to vote on money by-laws under the provision of *The Consolidated Municipal Act, 1903*, whereupon out of 598 ratepayers entitled to vote on the said by-laws 448 voted for By-law No. 694 and 19 against it, and 446 voted for By-law No. 695 and 19 against it; that the preserving of the industry carried on by The Durham Rubber Company, Limited, will be of great advantage to the town, and that there is no competing industry therein or within a considerable distance thereof; and whereas the said corporation has by petition prayed that an Act may be passed confirming said by-laws and to confer such rights and powers on the said Corporation as may be necessary or advantageous to enable the said Corporation to carry out the intent of the said by-laws: and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition:

3 Edw. VII., c. 19.

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 694 of Town of Bowmanville confirmed.

1. By-law No. 694 of the Municipal Corporation of the Town of Bowmanville, set out in Schedule "A" to this Act, and By-law No. 695 of the said Municipal Corporation set out in Schedule "B" to this Act, are confirmed and declared to be legal, valid, and binding upon the said the Municipal Corporation of the Town of Bowmanville, and the ratepayers thereof, notwithstanding any want of power or jurisdiction on the part of the said Municipal Corporation to pass the said by-laws or either of them, and notwithstanding any defect in substance or in form of the said by-laws or either thereof, or in the manner of passing the same or either thereof; and the said the Municipal Corporation of the Town of Bowmanville is hereby authorized to issue debentures as provided by said By-law No. 694, and the said debentures so to be issued in pursuance of the said By-law are hereby confirmed and declared to be valid, legal, and binding upon the said the Municipal Corporation of the Town of Bowmanville; and the discharge of mortgage authorized under By-law No. 695 when executed is hereby declared to be legal, valid and binding upon the said the Municipal Corporation of the Town of Bowmanville, and shall pass the title in the property in same to The Durham Rubber Company, Limited, and the said Corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out and giving effect to the said by-laws.

Inconsistent enactments not to apply to by-laws. 3 Edw. VII., c. 19.

2. Any provisions contained in *The Consolidated Municipal Act, 1903*, or in any Act, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the said by-laws numbered 694 and 695 respectively, or to either of them, or to the debentures to be issued under By-law No. 694, or to the discharge of mortgage to be executed under By-law 695.

SCHEDULE

SCHEDULE A.

BY LAW No. 694.

By-law of the Corporation of the Town of Bowmanville authorizing the Corporation to loan The Durham Rubber Company, Limited, $15,000.00 and to raise the same for the purposes of the said loan.

Whereas in pursuance of *The Consolidated Municipal Act, 1903*, the Corporation of the Town of Bowmanville have entered into an agreement with The Durham Rubber Company, Limited, (subject to this by-law being approved of by the electors duly qualified to vote thereon of the said town in manner prescribed by law and to said by-law being ratified by an Act of the Legislature of the Province of Ontario if counsel for the Corporation deems said ratification necessary) to loan to the said The Durham Rubber Company, Limited, the sum of $15,000.00 for the purposes and on the terms herein set out.

And whereas it will be requisite to raise the several sums in each year respectively as set forth in the schedule to this by-law.

And whereas the whole rateable property of the Municipality of the Town of Bowmanville according to the last revised assessment roll for the year 1904 was $1,005,595.00.

And whereas the existing debenture debt of the said municipality is the sum of $81,267.64 and no principal or interest is in arrears.

Therefore the Municipal Council of the Town of Bowmanville enacts as follows:—

1. It shall and may be lawful for the Corporation of the Town of Bowmanville to loan to The Durham Rubber Company, Limited, the sum of $15,000.00.

2. It shall and may be lawful for the Corporation of the Town of Bowmanville for the purpose of being able to make the loan in the preceding paragraph herein referred to to borrow the sum of $15,000.00 and agree to pay interest thereon at the rate of four per centum per annum and to issue twenty debentures of the said Corporation for $1,103.73 each, the first payable on the first day of September, A.D. 1906, which said debentures will represent the amount of said borrowing with interest added as shown in the schedule to this by-law.

3. The said debentures shall be payable at the office of the Treasurer of the said Town of Bowmanville in Bowmanville.

4. It shall and may be lawful for the Mayor of the said Corporation and he is hereby authorized and instructed to sign and issue said debentures hereby authorized to be issued and to cause the same to be signed by the Treasurer of the said Corporation and the Clerk of the said Corporation is hereby authorized and instructed to attach the seal of the said Corporation to the said debentures.

5. There shall be raised and levied in each year by special rate on all the rateable property of the said Corporation a sum of $1,103.73 to be used n discharging the several debentures accruing due on said debt created under this by-law as the same become respectively payable according to the schedule to this by-law.

6. This by-law shall take effect on the first day of September, A.D. 1905.

7. It is hereby declared and enacted that this by-law is passed subject to the following stipulations and conditions and on the performance and fulfilment thereof the referred to loan is to be granted to the Durham Rubber Company Limited, and not otherwise,—

(a) That the said The Durham Rubber Company, Limited, (hereinafter called the Company) will forthwith after the passing of this by-law purchase not less than three acres, a part of lot 12 in the first concession of the township of Darlington in the County of Durham (now a part of Bowmanville) lying immediately south of the easterly portion of land owned and occupied by the Bowmanville High School and extending southerly to the creek with a right of way to same by a road 66 feet wide to Queen street in said town.

(b)

(b) That the said Company will forthwith after the passing of this by-law and the confirmation of same by the Legislature of the Province of Ontario, if that be deemed necessary by the counsel for the said Corporation, construct on said premises so acquired brick buildings suitable for the purposes of the Company and having a ground floor space of not less than 16,000 square feet and a brick smoke chimney for the boilers; that the said Company will install in said buildings all the plant and machinery now in the buildings owned and occupied by it on King street in Bowmanville; that the Company will show to the satisfaction of the Corporation that the present plant and machinery so installed by it is good, useful, and working machinery and worth at invoice prices installed not less than $60,000.00; that the said Company will install new machinery at a cost of not less than $10,000.00; that the said Company will make such arrangements in connection with its new buildings that it will procure for itself all water required for its purposes and will not look to the Corporation for same.

(c) That the said Company shall immediately after the erection of said buildings and installing of said plant and machinery enter into active operations to prosecute its business in its new premises employing not less than 60 mechanics or workmen, of whom not less than 50 shall be men, and such mechanics or workmen shall be distinguished from officers of the Company, managers or overseers thereof, and shall pay to said mechanics or workmen not less than $2,100.00 in each month or a total of not less than $25,200.00 in a year during the term of twenty years.

(d) The said premises shall be acquired, the plant and machinery installed, and the active operations entered upon by the first day of September, 1905, but the said municipal council may by by-law from time to time extend the time for so doing.

(e) The said Corporation on being satisfied that the said Company has bona fide performed the obligations and agreements mentioned in sections (a) and (b) hereof, and has as directed in section (c) hereof commenced operations, and is employing the number of mechanics or workmen referred to, and has contracted to pay to said mechanics or workmen wages to the amount specified, shall loan to the said Company the said sum of $15,000.00, first taking as security for the repayment thereof the mortgage and other securities referred to in section (f) hereof.

(f) The said Company shall give to the Corporation a mortgage to secure the repayment of the said sum of $15,000.00 on the premises to be acquired by it, and referred to in section (a) hereof, and upon the plant and machinery to be installed in the buildings on the premises, as indicated in section (b) hereof, all plant and machinery which may be afterwards acquired and placed on the premises during the currency of the mortgage, and all such plant and machinery which may be contained on any premises of the Company during the currency of the mortgage, and shall include the engine, boilers, beltings shafting, machinery patterns, tools of all descriptions, plant and machinery to arrive on the premises or which will be placed on the premises during the currency of the mortgage, and shall be conditioned for repayment in twenty equal successive annual instalments of $750.00 each without interest, the first of such payments to be made in twelve months after the date of the advance of said sum of $15,000.00; and shall also give as further security for said repayment an assignment of insurance policies to the value of at least $15,000.00 upon the property, plant and machinery of the Company in such insurance companies as the Corporation may direct the premiums in respect of which shall be paid by the Company; and shall also give the covenant of the Company made on behalf of itself, its successors and assigns, for the repayment of said loan in the manner indicated for repayment of same; and said security is to be conditioned that if at any time the said Company becomes bankrupt, insolvent, or makes an assignment for the bene-

fit of its creditors, or an order is made by any Court of Justice in Ontario for the winding up of the Company, or causes or suffers any execution creditor under an execution to seize the property of the Company or suffers a final judgment against the said Company to remain unsatisfied for a period of 60 days, or if said Company is not performing its obligations as herein defined, and continues to be in default in connection therewith for a period of 120 working days or if the said Company attempts to remove its business from the Town of Bowmanville or from the premises so to be acquired by it and referred to in section (a) hereof, then and in any of such cases the mortgage security shall immediately become due and owing as to the whole $15,000.00, less any sums which may have been paid on same by the Company, and the Corporation may proceed as it may be advised to realize the amount so due and owing under the power of sale which is to be contained in said mortgage, or any other means available under said mortgage, or may foreclose the equity of redemption of the said Company in said property covered by said mortgage; and said mortgage security shall be further conditioned that the said Corporation shall have access to the premises, books and papers of the Company at all times to inspect same and determine whether the said Company is performing the conditions imposed upon it and contained in said mortgage, and a refusal to permit said inspection shall cause the said mortgage to forthwith become due and owing and proceedings may be taken to realize upon same in the manner herein indicated.

8. The said Corporation shall exempt the said Company and its property from taxation (except taxation for school purposes) for a period of twenty years.

9. The votes of the qualified electors of the said Corporation shall be taken on this by-law pursuant to the provisions of the Statutes in that behalf on Friday, the tenth day of March, 1905, from nine o'clock in the forenoon to five o'clock in the afternoon at the following places,—

For the West Ward at the Council Room in the Municipal Buildings.

For the North Ward at the Drill Shed.

For the South Ward at the Fire Hall.

The following persons shall be the Returning Officers for taking the votes at the said polling places.

For the West Ward, John Lyle.

For the North Ward, John S. Moorcraft.

For the South Ward, John McConnachie.

10. That Wednesday, the first day of March, 1905, at twelve o'clock noon shall be the day and hour and the Council Chamber in the Municipal Buildings in Bowmanville the place where the Mayor shall attend to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk on behalf of the persons interested in promoting or opposing the passing of this By-Law.

11. That Monday, the thirteenth day of March, 1905, at ten o'clock in the forenoon shall be the day and hour and the Council Chamber in the Municipal Buildings in the Town of Bowmanville the place where the Clerk shall sum up the number of votes given for and against this By-Law.

SCHEDULE

SCHEDULE REFERRED TO IN FOREGOING BY-LAW.

Year.			Principal.	Interest.	Total.
1906	September	1	$503.73	$600.00	$1,103.73
1907	do	1	523.88	579.85	1,103.73
1908	do	1	544.83	558.90	1,103.73
1909	do	1	566.62	537.11	1,103.73
1910	do	1	589.29	514.44	1,103.73
1911	do	1	612.86	490.87	1,103.73
1912	do	1	637.37	466.36	1,103.73
1913	do	1	662.87	440.86	1,103.73
1914	do	1	689.38	414.35	1,103.73
1915	do	1	716.96	386.77	1,103.73
1916	do	1	745.64	358.09	1,103.73
1917	do	1	775.46	328.27	1,103.73
1918	do	1	806.48	297.25	1,103.73
1919	do	1	838.74	264.99	1,103.73
1920	do	1	872.29	231.44	1,103.73
1921	do	1	907.18	196.55	1,103.73
1922	do	1	943.47	160.26	1,103.73
1923	do	1	981.21	122.52	1,103.73
1924	do	1	1,020.46	83.27	1,103.73
1925	do	1	1,061.28	42.45	1,103.73
			$15,000.00		

Passed third reading in open council on Tuesday, March 14th, 1905.

(Sgd.) JOHN LYLE, Clerk.

(Sgd.) ARCHIE TAIT, Mayor.

(*Seal.*)

SCHEDULE B.

BY-LAW No. 695.

By-Law of the Corporation of the Town of Bowmanville, authorizing the Corporation to exchange the indebtedness of the Durham Rubber Company, Limited, of $8,030.00 to them, to a Bonus of same amount, secured by a mortgage on its Real Estate, Plant and Machinery.

Whereas, under a By-Law of the Corporation of the Town of Bowmanville passed on the seventh day of June, 1897, and numbered 580, the Corporation granted on certain conditions the sum of $6,000.00 to the Bowmanville Rubber Company, Limited, and took from it a mortgage bearing date the second day of August, 1897, on its real estate, plant and machinery in Bowmanville, to secure the performance of said conditions, and in same it was provided that on the said, The Bowmanville Rubber Company, Limited, performing said conditions, it was to have a credit of $400.00 per annum made in respect of said mortgage, and at the expiration of fifteen years the said mortgage was to be discharged.

And whereas the said, The Bowmanville Rubber Company, Limited, continued in business, and performed the conditions mentioned in the proviso contained in said mortgage for one year, and on the thirteenth day of July, 1898, an order was made by The High Court of Justice for the winding up of the said Bowmanville Rubber Company, Limited, and the said mortgage became due, and owing thereafter, and on said date there was owing in respect of said mortgage the sum of $5,600. and interest from the seventh day of June, 1898, and there will be owing in respect of same on the first day of September next the sum of $8,030.00.

And

And whereas, under said winding up proceedings of The Bowmanville Rubber Company, Limited, the above referred to, The Durham Rubber Company, Limited, on the nineteenth day of September, 1898, purchased the before referred to real estate, plant and machinery upon which the mortgage of the said corporation was standing, but subject to the mortgage held by the said corporation.

And whereas, the Mayor of the said Corporation previously to the purchase by the said Company had assured the said Company that on its purchasing the said property it would become the successor of The Bowmanville Rubber Company, Limited, and entitled to the benefit of said By-Law, and wrote the said Company in his official capacity as Mayor assuring it of said benefits, and in making said purchase the said Company believed that it was obtaining the benefit of said By-Law.

And whereas, at a meeting of the Council Board of said Corporation, held on the fifteenth day of July, 1901, a resolution was carried in the following words:—

"that this Council recognize and accept The Durham Rubber "Company as the successors of the Bowmanville Rubber Company, and entitled to all the privileges granted by the Town of Bowmanville to the Bowmanville Rubber Company in bonus By-Law, and that the Town Clerk be, and he is hereby instructed to credit The Durham Rubber Company on the mortgage the sum of $400 per annum for the years 1898, 1899, 1900."

but said resolution was never acted on.

And whereas, it is conceded that the real estate, plant and machinery covered by the mortgage above referred to is, notwithstanding the proceedings above recited, liable to be proceeded against by the said Corporation to realize the amount owing in respect of the said mortgage, which on the seventh day of June last amounted to $7,616.00, and which on the first day of September next will amount to $8,030.00.

And whereas, it is conceded that the Durham Rubber Company, Limited, has satisfied all the conditions of the mortgage and has performed every agreement contained in said mortgage, which was incumbent on The Bowmanville Rubber Company, Limited, to perform.

And whereas, on a conference between the Corporation and The Durham Rubber Company, Limited, (hereinafter called the Company) it has been made clear that it is in the interest of the Corporation and the said Company, that the said Company should enlarge its premises and works, and construct new and more appropriate buildings and introduce further and new machinery in a locality where an abundance of water will be available.

And whereas, in pursuance of *The Consolidated Municipal Act, 1903*, the Corporation of the Town of Bowmanville have entered into an agreement with the said Company (subject to this By-Law being approved of by the electors of the said town duly qualified to vote thereon in manner prescribed by law) that on the Company complying with the terms of this By-Law, it shall not be called upon to pay said indebtedness.

And whereas, it will not be requisite to raise any sum to meet the requirements of this by-law.

And whereas, the whole rateable property of the Town of Bowmanville according to the last revised assessment roll for the year 1904 is $1,095,595.00.

And whereas, the existing debenture debt of the said Municipality is $81,267.64 and no principal or interest is in arrear.

Therefore, the Municipal Council of the Town of Bowmanville enacts as follows:—

1. It shall and may be lawful for the Mayor to discharge or release the mortgage bearing date the second day of August, 1897, and made

made between The Bowmanville Rubber Company, Limited, as mortgagors, and the Corporation of the Town of Bowmanville as mortgagees which was registered in the Registry Office for the West Riding of the County of Durham on the twenty-seventh day of August, 1897, in book 14 for the Town of Bowmanville as number 4452 by affixing the seal of the Corporation to the said discharge or release, and setting his hand thereto as Mayor.

2. This By-Law shall take effect on the first day of September, 1905.

3. It is declared and enacted that this By-Law is passed subject to the following stipulations and conditions, and on the performance and fulfilment thereof the referred to discharge or release is to be executed and delivered to the Company and not otherwise.

(a) That the Company will forthwith after the passing of this by-law purchase not less than three acres, a part of lot 12 in the first concession of the Township of Darlington, in the County of Durham, now a part of Bowmanville, lying immediately south of the easterly portion of land owned and occupied by the Bowmanville High School and extending southerly to the creek, with a right of way to the same by a road 66 feet wide to Queen street in said town.

(b) That the said Company will forthwith after the passing of this by-law and the confirmation of same by the Legislature of the Province of Ontario, if that be deemed necessary by the counsel for the said Corporation construct on said premises so acquired brick buildings suitable for the purposes of the Company, and having a ground floor space of not less than 16,000 square feet and a brick smoke chimney for the boilers; that the said Company will install in said buildings all the plant and machinery now in the buildings owned and occupied by it on King street in Bowmanville; that the Company will show to the satisfaction of the Corporation that the present plant and machinery so installed by it is good, useful and working machinery and worth at invoice prices installed not less than $60,000; that the said Company will install new machinery at a cost of not less than $10,000; that the said Company will make such arrangements in connection with its new buildings that it will procure for itself all water required for its purposes, and will not look to the Corporation for same.

(c) That the said Company shall immediately after the erection of said buildings and installing of said plant and machinery enter into active operations to prosecute its business in its new premises, employing not less than 60 mechanics or workmen of whom not less than 50 shall be men, and such mechanics or workmen shall be distinguished from officers of the Company managers or overseers thereof, and shall pay to said mechanics or workmen not less than $2,100 in each month or a total of not less than $25,200 in a year during the term of twenty years.

(d) The said premises shall be acquired, the plant and machinery installed, and the active operations entered upon by the first day of September 1905, but the said Municipal Council may by by-law from time to time extend the time for so doing.

(e) The said Company shall give to the Corporation a mortgage to secure the repayment of the said sum of $8,030, on the premises to be acquired by it and referred to in section (a) hereof, and upon the plant and machinery to be installed in the buildings on the premises as indicated in section (b) hereof, all plant and machinery which may be afterwards acquired and placed on the premises during the currency of the mortgage, and all such plant and machinery which may be contained on any premises of the Company during the currency of the mortgage, and shall include the engine, boilers, beltings, shafting, machinery patterns, tools of all descriptions, plant and machinery to arrive on the premises, or which will be placed on the premises during the currency of the mortgage, and shall be conditioned for repayment on the first day of September, 1925, without interest;

interest; and shall also give as further security for said repayment an assignment of insurance policies to the value of at least $8,030 upon the property, plant and machinery of the Company in such insurance companies as the Corporation may direct, the premiums in respect of which shall be paid by the Company; and shall also give the covenant of the Company made on behalf of itself, its successors and assigns for the repayment of said loan in the manner indicated for repayment of same; and said security is to be conditioned that if at any time the said Company becomes bankrupt, insolvent, or makes an assignment for the benefit of its creditors, or an order is made by any Court of Justice in Ontario for the winding up of the Company, or causes or suffers any execution creditor under an execution to seize the property of the Company, or suffers a final judgment against the said Company to remain unsatisfied for a period of 60 days, or if said Company is not performing its obligations as herein defined and continues to be in default in connection therewith for a period of 120 working days, or if the said Company attempts to remove its business from the Town of Bowmanville or from the premises so to be acquired by it and referred to in section (a) hereof, then and in any of such cases the mortgage security shall immediately become due and owing as to the whole $8,030, and the Corporation may proceed as it may be advised to realize the amount so due and owing under the power of sale which is to be contained in said mortgage, or under any other means available under said mortgage, or may foreclose the equity of redemption of the said Company in said property covered by said mortgage; and said mortgage security shall be further conditioned that the said Corporation shall have access at all times to the premises, books and papers of the Company to inspect same and determine whether the said Company is performing the conditions imposed upon it and contained in said mortgage, and a refusal to permit said inspection shall cause the said mortgage to forthwith become due and owing and proceedings may be taken to realize upon same in the manner herein indicated.

(f) When the said Corporation is satisfied that the said Company has bona fide performed the obligations and agreements mentioned in sections (a) and (b) hereof and has as directed in section (c) hereof commenced operations, and is employing the number of mechanics or workmen referred to, and has contracted to pay to said mechanics or workmen wages to the amount specified and has given the mortgage and other securities mentioned in section (e) hereof, the said Mayor shall release or discharge the mortgage referred to in section 1 hereof.

4. The votes of the qualified electors of the said Corporation shall be taken on this by-law pursuant to the provisions of the Statutes in that behalf on Friday, the tenth day of March, 1905, from nine o'clock in the forenoon to five o'clock in the afternoon at the following places,—

For the West Ward at the Council Room in the Municipal Buildings.

For the North Ward at the Drill Shed.

For the South Ward at the Fire Hall.

The following persons shall be the Returning Officers for taking the votes at the said polling places.

For the West Ward, John Lyle.

For the North Ward, John S. Moorcraft.

For the South Ward, John McConnachie.

5. That Wednesday, the first day of March, 1905, at twelve o'clock noon, shall be the day and hour, and the Council Chamber in the Municipal Buildings in Bowmanville, the place where the Mayor shall attend to appoint persons to attend at the various polling places,

places, and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law.

6. That Monday, the thirteenth day of March, 1905, at ten o'clock in the forenoon, shall be the day and hour, and the Council Chamber in the Municipal Buildings in the Town of Bowmanville, the place where the Clerk shall sum up the number of votes given for and against this by-law.

Passed third reading in open Council on Tuesday, March 14th, 1905.

(Sgd) JOHN LYLE, Clerk. (Sgd) ARCHIE TAIT, Mayor.

(Seal).

CHAPTER

CHAPTER 42.

An Act respecting the Town of Brampton.

Assented to 25th May, 1905.

Preamble.

WHEREAS The Copeland-Chatterson Company, Limited, has by petition represented that an agreement was entered into between the Municipal Corporation of the Town of Brampton and the said company dated the 13th day of May, 1904, providing, amongst other things, that the company would purchase a site and erect a factory in the Town of Brampton for the purpose of manufacturing perpetual ledgers and loose-leaf systems and would employ not less than an average of 125 hands in each year for seventeen years with an annual pay-roll of at least $40,000, and in consideration thereof, the said municipal corporation agreed to loan the company $25,000 to be repaid as in said agreement provided and to grant the company certain exemptions from taxation; and whereas it was further provided by the said agreement that the municipal corporation should submit a by-law to the ratepayers of the town providing for the issue of debentures to raise the said sum of $25,000; and whereas on the 27th day of June, 1904, pursuant to the said agreement, the said municipal corporation submitted to the duly qualified ratepayers of the town, By-law No. 280 of the said municipality authorizing the Mayor and council thereof to loan the said sum of $25,000 to the said company, to aid in the establishment of the said industry, to issue debentures therefor and to grant the company exemption from taxation, except school rates, for ten years from the 1st day of January, 1905, and on the submission of the said by-law out of 646 ratepayers entitled to vote thereon 479 voted for the by-law and 11 voted against it, and on the 30th day of June, 1904, the said by-law was finally passed by the council of the said municipal corporation and was duly promulgated as required by law; and whereas it was provided in the said agreement

agreement amongst other things, that the said company would commence the erection of the said buildings by the 1st day of October, 1904, and have the factory in operation by the 1st day of May, 1905; and whereas owing to negotiations between the said municipal corporation and the Canadian Pacific Railway Company in reference to the closing of certain streets in the said town and the acquisition of certain lands required for the purposes of the said first mentioned company, it became impossible for the said company to erect the said buildings and have their factory in operation within the time limited by the said agreement; and whereas the said municipal corporation under the authority of the resolution duly passed in the council on the 16th day of February, 1905, did by memorandum of agreement bearing date the said day, extend the time for commencing the said work until the 1st day of May, 1905, and the time for completion thereof until the 1st day of October, 1905, and did accept the property known as the "Purcell" property in the said town in lieu of the building site described in the said agreement; and whereas the said company has prayed that an Act may be passed confirming and validating the said agreements and the said by-law; and whereas it is expedient to grant the prayer of said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.—

Agreement with Copeland-Chatterson Co. confirmed.

1. The agreement purporting to be made between The Copeland-Chatterson Company, Limited, and the said municipal corporation dated the 16th day of February, 1905, as set out in Schedule "A" to this Act is declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction or power in the council of the said municipality to make the said agreement, and notwithstanding any defect in substance or in form in the said agreement.

By-law 280 for loan to Copeland-Chatterson Company confirmed.

2. Subject to the said agreement of the 16th day of February, 1905, By-law No. 280 of the Municipal Corporation of the Town of Brampton set out in Schedule "B" to this Act, and the debentures to be issued thereunder are declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect or error in substance or in form in the said by-law, or in the manner of passing the same, and the said

municipal

municipal corporation may issue debentures in accordance with the said by-law, and such debentures may be issued within two years after the passing of this Act, and the said municipal corporation may do all other acts necessary for the due carrying out of the said by-law.

Agreement of 13th May, 1904, confirmed.

3. Subject to the terms of the said by-law, and to the terms of the said agreement of the 16th day of February, 1905, the agreement between the said company and the Municipal Corporation of the Town of Brampton, dated the 13th day of May, 1904, and set out in Schedule "C" to this Act is declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect in substance or form in the said agreement.

Authority to extend time for doing certain things under the agreement.

4. The Municipal Corporation of the Town of Brampton is hereby authorized and empowered in its discretion to further extend the time limited by the said agreement of the 16th day of February, 1905, to commence to build the factory referred to in the said agreement, and further to extend the time limited in the said agreement for the completion of the said factory and for having the same in operation, so, however, that such extension of time shall not in either case exceed a period of one year.

SCHEDULE A.

Memorandum of Agreement made and entered into this 16th day of February, 1905, between The Municipal Corporation of the Town of Brampton (hereinafter called the Corporation) of the First Part, and The Copeland-Chatterson Company, Limited, (hereinafter called the Company) of the Second Part.

Whereas the corporation and the company entered into a certain agreement, dated May 13th, 1904, which provided, amongst other things, that the corporation would loan the company $25,000.00, and that the company would purchase a site in the Town of Brampton not less than 175 feet by 600 feet, or say 113,750 square feet; and would commence, not later than the first day of October, 1904, to erect a factory thereon for the purpose of manufacturing perpetual ledgers and loose leaf business systems, and that the company, if not prevented by strikes or fires, would have the said factory in operation not later than the first day of May, 1905; and, if so prevented, would have the factory in operation as soon after that date as possible, and would continue to operate same in accordance with the terms set out in the said agreement.

And whereas it was further provided in and by the said agreement that the same should be binding on the corporation only upon a by-law to carry it into effect being approved by the ratepayers of the corporation.

And

And whereas By-law No. 280 of the Town of Brampton, a copy of which is annexed hereto, was duly approved by the said ratepayers, and the said by-law was finally passed by the corporation on the 30th day of June, 1904.

And whereas at the time the said agreement was entered into it was contemplated that the company would purchase a factory site to the north and west of the junction of the Grand Trunk and Canadian Pacific Railways, in the field where no buildings are erected;

And whereas it was found that the location of the said factory to the south and east of the junction of the said railways would be more advantageous to both the corporation and the company, and the company has, with the approval of the corporation, purchased the property known as the "Purcell property," fronting on Railroad, Mill and Wellington Streets, which is more convenient to the residential part of the town;

And whereas owing to negotiations between the corporation and the Canadian Pacific Railway Company, and the steps required to be taken by the corporation for the purpose of closing a portion of West Wellington Street (which is required to complete the company's said building site), and the opening of Park Street to Railroad Street, it became impossible for the company to commence building within the time provided by the said agreement as aforesaid, and it will also be impossible to have the building completed and the factory in operation by the first of May, 1905, as provided in the said agreement;

And whereas for the reasons aforesaid, the corporation have agreed to extend the time for commencement and completion of the said factory as hereinafter provided;

Now this agreement witnesseth that in consideration of the premises, the said corporation hereby extends the time within which the company shall commence to build the said factory until the first day of May, 1905; and the time for completion of the factory and having the same in operation (subject to strikes or fires as in the said agreement provided) until the first day of October, 1905.

It is further agreed that the said building site on Railroad, Mill and Wellington Streets, purchased by the company be and the same is hereby accepted by the corporation in lieu of the site described in the said agreement of May 13, 1904.

And it is further agreed that the corporation shall join with the company in applying to the Legislature of the Province of Ontario for legislation confirming, ratifying and legalizing the said agreement of May 13, 1904, as hereby amended, and the said by-law and the debentures to be issued thereunder, but the corporation shall be under no obligation for the costs of procuring the said legislation.

In witness whereof the corporation has caused to be set the signatures of the Mayor and Clerk and the seal of the corporation to be affixed hereto.

(Sgd.) B. F. JUSTIN,
Mayor.
(Sgd.) T. J. BLAIN.
Clerk.
(Seal of the Town of Brampton.)

Witness:
(Sgd.) J. H. EARLY.

SCHEDULE B.

By-law Number 280.

A By-law authorizing the Municipal Corporation of the Town of Brampton to issue debentures to raise the sum of twenty-five thousand

thousand dollars for the purpose of granting a loan to the Copeland-Chatterson Company, Limited, to enable said Company to purchase a site in the Town of Brampton, in the County of Peel, and establish a Factory thereon, for manufacturing purposes.

Whereas it is necessary to raise the sum of twenty-five thousand dollars for the purpose of granting a loan of said sum to the Copeland-Chatterson Company, Limited, to enable said company to purchase a site in the Town of Brampton, in the County of Peel, and to erect thereon a factory for manufacturing purposes, and in order thereto it will be necessary to issue debentures of the municipal corporation of Brampton for the sum of twenty-five thousand dollars payable as herein provided;

And whereas it will be necessary to raise annually during the term of seventeen years by special rate for paying the said debt the sum of $2,095.00;

And whereas it will be requisite to raise the several sums in each year respectively set forth in the schedule to this by-law;

And whereas the amount of the whole rateable property of the municipality of the Town of Brampton, according to the last revised assessment roll amounts to $986,415.00;

And whereas the existing debenture debt of the municipal corporation of the Town of Brampton amounts to $139,054.44 and no principal or interest is in arrear;

Therefore the municipal council of the corporation of the Town of Brampton enacts as follows:—

1. It shall be lawful for the Mayor of the said Town of Brampton, for the purposes aforesaid, to borrow the said sum of twenty-five thousand dollars, and to issue debentures of the said municipality to the amount of twenty-five thousand dollars, in sums of not less than one hundred dollars each, payable at the end of seventeen years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding four and one-quarter per cent. per annum, payable yearly in each and every year during the currency of the said debentures, payable in the manner and for the amounts and at the times set forth in the schedule to this by-law.

2. The said debentures as to principal and interest shall be payable at the Merchants Bank of Canada, in the said municipality.

3. It shall be lawful for the Mayor of the said municipality, and he is hereby authorized and instructed, to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said municipality, and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied in each year by special rate on all rateable property in said municipality a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debentures as the same become respectively payable according to the schedule to this by-law.

5. This by-law shall take effect from and after the third reading thereof.

6. The votes of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Monday, the 27th day of June, A. D. 1904, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day.

For the East Ward, at the Concert Hall, by T. J. Blain, Deputy Returning Officer.

For the North Ward, at Messrs. Norval & Jones' shop, John G. Manning, Deputy Returning Officer.

For the West Ward, at Messrs. Dawson & Co.'s warehouse, by Adam Morton, Deputy Returning Officer.

For

For the South Ward, at Golding's Block, by L. D. Sanderson, Deputy Returning Officer.

7. On Monday, the 20th day of June, A. D. 1904, the Mayor shall attend at the Council Chambers, at 2 o'clock p.m., to appoint persons to attend at the various polling places, and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

8. The Clerk of the council of said municipality shall attend at the Council Chamber, in the Town of Brampton, at two o'clock in the afternoon, on Tuesday, the 28th day of June, A. D. 1904, and sum up the number of votes given for and against the by-law.

9. That the sum of twenty-five thousand dollars in the event of this by-law being approved by the vote of the ratepayers, shall be advanced by way of loan to the said Copeland-Chatterson Company, Limited, upon the terms and conditions mentioned in the memorandum of agreement made between the said Copeland-Chatterson Company, Limited, and this municipal corporation, which said agreement is dated the 13th day of May, A. D. 1904, which said agreement provides among other things that the said Copeland-Chatterson Company, Limited, shall have exemption from taxation except school rates for a period of ten years, and that the municipal corporation of the Town of Brampton will furnish water during a like period at the rate of five cents per thousand gallons, it being understood that the corporation will not be in any way liable in the event of a failure of such water supply not caused by the wilful neglect or default of the corporation.

10. The following is the schedule to this by-law hereinbefore referred to:—

Year.	Interest.	Principal.	Total.
1905	$1,062.50	$1,032.50	$2,095.00
1906	1,018.62	1,076.38	2,095.00
1907	972.87	1,122.13	2,095.00
1908	925.18	1,169.82	2,095.00
1909	875.46	1,219.54	2,095.00
1910	823.64	1,271.36	2,095.00
1911	769.60	1,325.40	2,095.00
1912	713.27	1,381.73	2,095.00
1913	654.55	1,440.45	2,095.00
1914	593.33	1,501.67	2,095.00
1915	529.51	1,565.49	2,095.00
1916	462.98	1,632.02	2,095.00
1917	393.62	1,701.38	2,095.00
1918	321.31	1,773.69	2,095.00
1919	245.93	1,849.07	2,095.00
1920	167.34	1,927.66	2,095.00
1921	85.29	2,009.71	2,095.00

Dated at the Town of Brampton, this 30th day of June, A. D. 1904.

Read a third time and passed the 30th day of June, A. D. 1904.

T. J. Blain, Clerk.

B. F. Justin, Mayor.

SCHEDULE C.

Memorandum of Agreement made and entered into this 13th day of May, A. D. 1904, between The Copeland-Chatterson Company, Limited, (hereinafter called the Company), of the First Part, and The Municipal Corporation of the Town of Brampton, (hereinafter called the Corporation), of the Second Part.

Witnesseth

Witnesseth that the parties hereto do hereby mutually promise and agree to and with each other in manner and form following, that is to say:—

1. That the company will erect in the Town of Brampton, in the County of Peel, a factory for the purpose of manufacturing perpetual ledgers and loose leaf business systems, and will purchase a site in the said Town of Brampton not less than 175 feet by 650 feet, or say 113,750 square feet, and will erect buildings thereon, said buildings to cost not less than $30,000.00, and will instal therein machinery and plant of the value or not less than $70,000.00, and will employ in the said factory each and every year for seventeen years not less than 125 hands, it being understood that in each and every year there shall be an average of 125 hands, of whom not less than an average of 70 shall be men, and that the annual pay roll shall be not less than $40,000.00.

2. In consideration thereof, the corporation agrees to loan to the Company the sum of $25,000.00, to be repaid and to be secured as hereinafter stated.

3. The company will purchase the said site and will commence to build not later than the 1st day of October, 1904, and will, if not prevented by strikes or fires, have the factory in operation not later than the 1st day of May, 1905, and if so prevented will have the factory in operation as soon after the last mentioned date as possible.

4. Upon the said buildings being erected and the said plant installed the company will give to the corporation a first mortgage upon the said site and buildings, and upon the engine, boiler, and heating apparatus therein for $25,000.00, in the ordinary form pursuant to *The Short Forms Act*, and free of dower or other encumbrances, payable in seventeen equal annual instalments without interest, the first payment to be made at the expiration of one year from the date of the said mortgage.

5. The said sum of $25,000.00 is to be advanced when the said buildings are erected and the said plant fully installed.

6. The company will insure the said buildings for a sum sufficient to pay any balance which may be owing from time to time upon the said mortgage, and make the loss (if any) under such insurance policy or policies payable to the corporation.

7. The said mortgage shall contain a proviso that in case of default for one month in the payment of any instalment, or in the event of the company ceasing to carry on business as aforesaid, or becoming insolvent, or making an assignment for the benefit of creditors, or in the event of a continued breach of any of the other covenants contained in said mortgage, after one month's notice in writing by the corporation, specifying the breach complained of, the whole amount remaining unpaid on said mortgage shall forthwith become due and payable, with interest from the date of such default, and all exemptions from taxation and other privileges shall immediately cease and terminate.

8. The corporation agrees to grant to the company for ten years from the first day of January, A. D. 1905, exemption from taxation, except school rates, and will furnish water during a like period at the rate of five cents per thousand gallons (not to exceed 5,000 gallons per day and not to be used for running water motors) it being understood that the corporation will not be in any way liable, in the event of an accidental failure of such water supply not caused by the wilful neglect or default of the corporation; provided however, that in case of such accidental failure the corporation will make the necessary repairs with convenient speed. The company agrees to pay a meter rental not exceeding fifty cents a month and the corporation shall have access to such meter at all reasonable times.

9. The company agrees to pay the expense of submitting a by-law to the ratepayers.

10. The books of the company will be open for inspection by the duly accredited representatives of the corporation at all reasonable times for the purpose of ascertaining the number of hands employed and the amount of the weekly pay roll.

11. The corporation will deliver to the company and the company will accept the debentures to be issued by the corporation in satisfaction of the said loan, such debentures to bear date from the confirmation of the by-law at four and one-quarter (4¼) per cent. per annum.

12. This agreement will be binding on the corporation only upon a by-law to carry it into effect being approved by the ratepayers and becoming valid pursuant to the Statute in such cases made and provided.

13. Upon the execution of this agreement the corporation will proceed forthwith to submit such by-law for approval, and thereafter the council of the municipality will finally pass the same.

In witness whereof the company have caused to be affixed the signatures of the President and Secretary of said company, and its corporate seal, and the corporation has caused to be affixed the signatures of the Mayor and Clerk of the said corporation and the seal of the said corporation.

(Sgd.) R. J. COPELAND,
President.
(Sgd.) R. M. COPELAND,
Secretary.
(Seal).

(Sgd.) B. F. JUSTIN,
Mayor.
(Sgd.) T. J. BLAIN,
Clerk.
(Seal).

Witness:
(Sgd.) ALEX. MILLS.

CHAPTER

CHAPTER 43.

An Act to confirm certain agreements between the Grand Trunk Railway Company and the City of Brantford, and to confirm certain Municipal By-laws relating thereto, and to confirm a certain By-law relating to the Sewer System of the City of Brantford.

Assented to 25th May, 1905.

WHEREAS, the Corporation of the City of Brantford has by petition represented that a certain agreement bearing date the twenty-fourth day of March, A.D. 1902, was entered into between the Grand Trunk Railway Company and the said Corporation of the City of Brantford, to for the building of the line of the said railway through the said City of Brantford, and to issue certain debentures for the payment of a bonus to the said Grand Trunk Railway Company; and that said by-law was, after ratification by the ratepayers of the said City of Brantford duly passed by the municipal council thereof, and, owing to delays having intervened in the completion of the construction of said line a period of more than two years has elapsed since the passing of the by-law, and that said debentures have therefore not been issued, but will be required to be issued in the near future; and whereas the said City of Brantford has further represented that a certain other agreement bearing date the sixteenth day of December, A. D. 1903, was duly entered into between the said Grand Trunk Railway Company and the Corporation of the City of Brantford with respect to changes to be made in certain streets of the said city to enable the construction of the line referred to in the agreement hereinbefore mentioned, and for other purposes, and that a by-law No. 778 of the said corporation was passed to provide for the execution of said agreement; and whereas the said corporation has further represented that by-law No. 433 of the said corporation was duly passed on the tenth day of November, A.D. 1890, to provide for the construction of sewers

ers as local improvements, and by the said by-law it was enacted that an equal frontage rate of 79 1-10 cents per foot payable in forty equal annual instalments of four cents each should be levied and assessed upon properties abutting on sewers to be constructed and upon properties connected with sewers whether abutting thereon or not, and the said rate is an equitable rate for said purpose; and whereas, the said Corporation of the City of Brantford has prayed that the agreements set forth in Schedules "A" and "B" to this Act, and the several by-laws of the said the Corporation of the City of Brantford set forth in Schedules 'C," "D" and "E" to this Act be validated and confirmed; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement set out in Schedule "A" confirmed.

1. The agreement contained in Schedule "A" to this Act, bearing date the twenty-fourth day of March, A.D. 1902, between the Grand Trunk Railway Company and the Corporation of the City of Brantford, is confirmed and declared to be valid and binding upon the parties thereto, and the parties thereto are empowered to do all acts necessary to give effect to the same and to carry out the true intent and meaning of the provisions thereof.

Agreement set out in Schedule "B" confirmed.

2. The agreement contained in Schedule "B" to this Act, bearing date the sixteenth day of December, A.D. 1903, between the Grand Trunk Railway Company and the Corporation of the City of Brantford, is confirmed and declared to be valid and binding upon the parties thereto, and the parties thereto are empowered to do all acts necessary to give effect to the same and to carry out the true intent and meaning of the provisions thereof.

By-laws Nos. 433, 732 and 778 of the City of Brantford confirmed.

3. By-laws numbers 433, 732 and 778 of the said corporation contained in Schedules "C," "D," and "E" respectively, are ratified and confirmed, and declared valid and binding upon the Municipal Corporation of the City of Brantford and the said Corporation of the City of Brantford is hereby declared to have power to pass by-laws pursuant and according to the provisions of said By-law No. 433, and to make assessment on real property for the purposes and in the manner therein defined. And all by-laws of said corporation heretofore passed in accordance with the provisions thereof are hereby confirmed.

SCHEDULE "A."

This Agreement made the twenty-fourth day of March, A.D. 1902, by and between The Grand Trunk Railway Company of Canada, hereinafter called the Grand Trunk, of the First Part, and The Corporation of the City of Brantford, hereinafter called the City, of the Second Part, witnesseth, that the parties hereto have agreed and hereby do agree each with the other as follows:—

1. That the Grand Trunk will, as soon as practicable acquire the right of way necessary for and lay out and construct a line of railway of the standard gauge from a point at or near Lynden on the line of its railway between Suspension Bridge and Sarnia, thence in a south-westerly direction through the Townships of Beverley and Ancaster, in the County of Wentworth, and the Township of Brantford, in the County of Brant, so as to form a connection with the line of its railway now being operated between Harrisburg and the City of Brantford, the route of the said proposed new line being approximately shown in red on the plan hereto attached and marked "A."

2. That upon completion ready for operation of the proposed new line, the Grand Trunk will run via and stop at Brantford all regular or scheduled through and local passenger trains, which are or may hereafter be the regular or scheduled through and main line local passenger trains being operated in either direction via Paris and Lynden between (*a*) Suspension Bridge and Sarnia Tunnel; (*b*) Suspension Bridge and Detroit via Windsor; (*c*) Toronto and Sarnia Tunnel via Hamilton or Hamilton Junction; (*d*) Toronto and Detroit via Windsor, by way of Hamilton or Hamilton Junction; (*e*) Main Line local passenger trains being operated between Hamilton or Suspension Bridge and London.

3. Should it become impracticable owing to accident or causes over which the company has no control to carry out the provisions of clause two of this agreement any temporary diversion of the traffic to the present line shall not be considered as a violation of the terms hereof, but traffic shall be resumed as early as practicable after such temporary cause of diversion is or can be removed.

4. That whenever any important industry or industries or manufactory or manufactories employing not less than two hundred and twenty-five employees is located in what is known as the Holmedale district of the City of Brantford, and carrying on business for the purposes of which a siding or switch to connect the said industry or industries with the line of the Grand Trunk is required, the Grand Trunk will at once construct a switch or siding into the said district, the proposed location of the said switch or siding being approximately that shown by a dark red line on the plan attached hereto marked "B," the said siding to be constructed to a point that will permit of coal being delivered therefrom to the city waterworks, and of sidings being from time to time located and constructed as shown approximately in broken red lines thereon for the purpose of serving such industries as may be located and in operation in the said district, provided, however, that before the main branch of the said siding connecting with the Grand Trunk line shall be laid out or constructed the right of way necessary therefor shall be acquired and assured to the Grand Trunk free of charge to the Grand Trunk, and the city shall give such assent to the construction thereof, and the siding or sidings branching therefrom across any street or highways as may be necessary in order to enable the Grand Trunk to obtain the approval by the Railway Committee of the Privy Council of the construction of the said siding or sidings.

5. That the Grand Trunk will construct under what is known as the Buffalo and Goderich line of its railway on the 20th district, upon the line or in the vicinity of Murray street in the said city a subway thirty feet in width, and of the height required by law to

to give a proper headway thereunder for the purpose of carrying the street traffic in the vicinity thereof under its said line of railway, the cost of the said subway being estimated at seven thousand dollars.

That should the city desire a foot subway to be constructed at Park avenue under the tracks of what is known as the Buffalo and Goderich branch of the Grand Trunk, the Grand Trunk will, within a reasonable time after being so requested by the city, and upon the city providing the necessary funds therefor and agreeing and undertaking to pay the whole cost of the maintenance thereof, construct and complete such subway and the necessary works in connection therewith, including the girder or girders required. The plan and specifications of the work shall be such as are satisfactory to and approved by the chief engineer for the time being of the Grand Trunk. Should the cost of the construction of the subway at Murray street hereinbefore provided for be less than the sum of seven thousand dollars, the amount contemplated, any balance remaining unexpended in connection with the said work may be appropriated by the city towards the cost of the said subway at Park avenue.

6. That in consideration of the Grand Trunk agreeing to do the work hereinbefore specified, the city covenants and agrees with the Grand Trunk that upon the completion of the said branch or cut-off referred to in the first paragraph hereof, and the inauguration of the passenger service hereinbefore provided for, and the completion of the said subway at Murray street or the foot subway at Park avenue should it be first constructed as hereinafter provided, they will pay to the Grand Trunk the sum of fifty-seven thousand dollars in cash, less such amount as may properly be deducted therefrom or withheld, as provided for under the conditions hereinafter set forth. It is understood and agreed that the engineer of the city shall be allowed access to the work on the subways above mentioned, and to investigate the accounts kept by the Grand Trunk in connection with the cost of the said structures, and that should the final cost of the Murray street subway be less than the sum of seven thousand dollars the amount estimated, the difference between such estimated amount of seven thousand dollars and the actual final cost thereof may be deducted by the city from the sum of fifty-seven thousand dollars above stated.

Should the city after the passing of the by-law referred to in clause eight hereof desire that a subway for foot passengers only at Park avenue shall be built instead of the said subway at Murray street the Grand Trunk will construct the same out of the seven thousand dollars set aside for said subway at Murray street, and the difference (if any) between the cost of the said foot passenger subway at Park avenue and the said sum of seven thousand dollars set aside for the Murray street subway shall be retained by the Grand Trunk for the purpose of being applied towards the cost of the Murray street subway, the difference between the cost of the Murray street subway and the said amount so remaining to be applied thereon, after paying for the foot subway at Park avenue to be paid by the city to the Grand Trunk before the said subway at Murray street is built; the intention being that the city shall pay the whole cost of the foot subway at Park avenue and also the cost of the subway at Murray street up to seven thousand dollars.

7. It is understood and agreed between the parties hereto that of the said sum of fifty-seven thousand dollars the sum of twenty-five hundred dollars may be retained by the city until the completion by the Grand Trunk to a point that will serve the city waterworks in the delivery of coal as provided by the fourth clause hereof, of the line or siding proposed to be constructed into the Holmedale district, but upon the completion of the said line or siding to such point the city shall forthwith pay over to the Grand Trunk the

the said amount of twenty-five hundred dollars without any deduction whatever.

8. That forthwith upon the execution of this agreement the city will prepare, and under the provisions of *The Municipal Act* and any Act or Acts amending the same, submit for the assent of the duly qualified ratepayers a by-law authorizing the city to raise by the issue of debentures or otherwise, as may therein be provided, and pay over to the Grand Trunk the said sum of fifty-seven thousand dollars for the purposes above indicated, all costs of and in connection with the submission of the said by-law to be borne and paid by the city.

9. It is further understood and agreed between the parties that should the said by-law fail to receive the necessary assent of the duly qualified ratepayers as provided by *The Municipal Act*, and the Act or Acts amending the same, this agreement shall cease to be binding upon the parties hereto; but should the said by-law receive such assent, the council of the city shall forthwith finally pass and enact the same, and thereupon the work contemplated by the parties hereto shall with all reasonable despatch be undertaken and completed by the Grand Trunk, and the intended passenger service inaugurated, upon which the city shall forthwith pay over to the Grand Trunk the said sum of fifty-seven thousand dollars, or so much thereof as may be payable according to the provisions hereof.

10. The Grand Trunk hereby agree with the city that they will efficiently maintain and operate the passenger service herein provided for, according to the spirit and intent of this agreement but should conditions change or circumstances arise which render it impracticable or inadvisable to operate the said service as contemplated, or should they for any other reason desire to do so, the Grand Trunk shall be at liberty to revert to the use of the present route or any other which may be decided upon; and in such case shall refund to the city the sum of fifty thousand dollars, or the said amount less the sum of twenty-five hundred dollars mentioned in clause seven hereof, should the same at that time have not been paid to the Grand Trunk by the city according to the terms hereof, and the said sum so to be repaid shall be accepted by the city in full of all their claims of every nature whatsoever against the Grand Trunk arising out of or by reason of the failure on their part to fully carry out, abide by and perform the terms of this agreement.

11. Each of the parties hereto covenants with the other to abide by, perform and keep the above agreement on their part according to the spirit, true intent and meaning thereof.

In witness whereof the parties hereto have hereunto set their respective corporate seals on the day and year first above written

Signed, sealed and delivered
in the presence of

THE GRAND TRUNK RAILWAY COMPANY OF CANADA,
(Seal). per CHAS. M. HAYS.

THE CORPORATION OF THE CITY OF BRANTFORD,
D. B. WOOD,
Mayor.

H. F. LEONARD,
(Seal). City Clerk.

SCHEDULE

SCHEDULE "B."

This Agreement made this sixteenth day of December, 1903, by and between The Grand Trunk Railway Company of Canada, hereinafter called the Company, of the First Part, and The Corporation of the City of Brantford, hereinafter called the City, of the Second Part.

Whereas, the company are proceeding with the necessary alterations to their tracks and station premises at Brantford to enable them to provide the necessary facilities for the efficient operation of a new train service through the City of Brantford; and

Whereas, in order to satisfactorily carry out this work it has become necessary to lay additional tracks on Durham street in the said city between Clarence and West street, which will necessitate the permanent closing of that portion of Durham street which occupied by the company's railway as it now exists, as well as all that part of the said street lying between the existing tracks and the cemetery fence between Clarence and West streets, and the opening of a street in lieu thereof between Clarence and West streets immediately north of the cemetery; also to change the location of the main line of the Harrisburg and Tillsonburg branch of the company's railway between Elgin and Dalhousie streets; also the right to maintain for all time the additional tracks recently laid parallel thereto, crossing the streets between Elgin and Nelson streets, with the right to extend the same to the northerly limit of Darling street; and

Whereas, the following conditions and agreements have been arranged between the parties hereto in consideration of the premises;

Now this indenture witnesseth, that in consideration of the premises and of the execution of these presents by the parties hereto, the respective parties to this agreement covenant, promise and agree with each other in manner following, that is to say:—

1. The company agree to erect a new and modern passenger station of stone or brick or both, at or near the present location of the station in the City of Brantford, for the accommodation of the traffic, and that they will proceed with the erection of the said station not later than June 1st, 1904, and thereafter proceed with the erection and completion of the same with all reasonable despatch.

2. The company agree to purchase and convey to the city in lieu of Durham street a strip of land sixty-six feet wide across the south side of the property now owned by Mr. R. L. Nelles, lying immediately north of the cemetery between Clarence and West streets, for the purpose of a street for public travel.

3. The company agree to build a plank sidewalk six feet wide through the subway on the easterly side of the Brantford and Tillsonburg tracks where the same are crossed by the company's Buffalo and Goderich tracks, with a culvert underneath the said sidewalk of such dimensions as the city's and company's engineers may deem necessary to carry off the water, and the company agree to carry such water to the creek at a point on the lower or south side of the present culvert, and to maintain said culvert and drain, with a right and privilege to the city to drain into the said culvert, and drain the lands lying northerly of the said railway tracks.

4. The said company further agree to build a sidewalk four feet in width of plank along the easterly side of their right of way between Elgin and Grey streets, to connect with the sidewalk mentioned in clause 3, and that when the sidewalk is so erected the public shall be entitled for all time to a right of way over the ground covered by the said sidewalk, and any renewal of the same, it being understood that the company will place a guard rail on that part of the said sidewalk that passes under the said subway between the sidewalk and the company's tracks under the said subway,

subway, it being hereby understood that upon the completion of the sidewalk by the company as above set out, the city are to take it over and maintain the same.

5. The company agree when the main line trains are put in operation through the City of Brantford, to erect and maintain gates where West and George streets now cross their property at rail level, such gates to be operated by a man at West street.

6. The city agree to take all necessary steps for the permanent closing and stopping up of that portion of Durham street now occupied by the company's Buffalo and Goderich tracks, and also that portion situate on the north side of the Buffalo and Goderich tracks as they now exist, between West and Clarence streets up to the cemetery fence, and to convey the same to the company, and in the meantime the city shall cause those portions of the said street to be closed for public travel, and the company shall have the right to take immediate possession of those portions of Durham street to enable them to go on with the proposed alterations.

7. The said company shall continue to furnish and maintain an opening for pedestrians across their tracks into the cemetery on Charlotte street as it at present exists.

8. The said company shall erect and maintain a retaining wall sufficient to keep in place and upon their own property the embankment along the north side of their tracks where the same run parallel to the cemetery.

9. The city agree that the company shall be at liberty to change the location of the main line of the Harrisburg and Tillsonburg branch where the same runs between Elgin and Dalhousie streets, to the extent shown on the plans hereinafter mentioned, with the right to maintain for all time the additional track which has been laid by the company parallel thereto, crossing the streets between Elgin and Nelson streets, with the right to extend this track to the northerly line of Darling street as shown in said plan, providing that said track shall not encroach upon the present water way or travelled portion of Clarence street. The company shall put in and maintain such pipes underneath the tracks and roadway of the company as may be necessary to connect with the drains of the said corporation at the public street crossings on the Brantford and Tillsonburg extension, such pipes to be laid to the satisfaction of the city's and company's engineers.

10. The city shall at once put in such cut-offs in the water main on Durham street, between Clarence and West streets, as may be necessary to enable them to shut off the water from said main, in the event of its becoming necessary so to do, and in such event shall have the right to lay such pipes and connect them at such cut-offs as may be necessary to carry the water by such other route as they may deem fit, in lieu of the water main on Durham street; provided always, that so long as the water main now on Durham street continues unbroken, that the said city shall have the right to use the same as they have heretofore used it, but in the event of the pipe becoming broken or injured they shall take immediate steps to repair the same or to shut off the water from the said main so far as possible to protect the company's bank from injury through escaping water.

11. The city shall have the right to enter at such time or times as may be necessary upon the company's right of way, at public street crossings as may be necessary, within the limits of the said corporation, in order to carry through, under their tracks all water mains, pipes and branches, gas or sewer pipes, storm drains and conduits, which the city shall deem necessary in addition to those already laid, and shall have the right to maintain all such already laid or which they shall hereafter lay, and from time to time repair and renew same, as they may deem necessary. All such work to be done under the supervision of the superintendent of the company, or such employee as he may elect and at the expense of the city.

12. The city agree to immediately take all necessary and proper steps and to pass such by-laws as may be required to carry out this agreement; and also covenant and agree to join the company and render every assistance in procuring an order of the Railway Committee of the Privy Council of Canada, or such other board of tribunal as may be appointed in lieu thereof, approving of and sanctioning the provisions of this agreement so far as the assent of the City of Brantford is necessary thereto.

13. All works and alterations contemplated by this agreement except the site and plan of the proposed new station are shown on a plan attached hereto, signed by the respective parties, which plan shall form part of this agreement.

14. And it is further agreed between the parties hereto that this agreement shall extend to, bind and enure to the benefit of the successors and assigns of the parties to this agreement respectively, to all intents and purposes as fully as if the successors and assigns of the parties hereto had been particularly mentioned in each of the conditions and agreements hereinbefore set out.

In witness whereof the parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and delivered
in the presence of
G. C. JONES,
as to signature of F. H. McGuighan.
Witness as to signature of M. K. Halloran and H. F. Leonard,
W. T. HENDERSON.

THE GRAND TRUNK RAILWAY COMPANY OF CANADA,
per CHAS. M. HAYS,
Second Vice-President and General Manager.
F. H. McGUIGHAN,
Manager.

THE CORPORATION OF THE CITY OF BRANTFORD,
M. K. HALLORAN,
Mayor.
H. F. LEONARD,
Clerk.

SCHEDULE "C."

By-law No. 433, respecting frontage assessment for sewers built as local improvements, and to regulate city sewers.

Whereas it is desirable to provide a uniform frontage tax throughout the city for the construction of sewers, and to provide an equitable mode of assessing corner lots;

Therefore the municipal council of the corporation of the City of Brantford hereby enacts:—

1. That from and after the passing of this by-law it shall and may be lawful for the Sewer Committee under the sanction and by the order of the municipal council of the City of Brantford to construct common sewers in such streets and lanes or highways of the said City of Brantford, and through private property in said city, as they may deem necessary for sanitary purposes, or where such sewers are petitioned for or authorized under *The Local Improvement Act*, provided always that such street, lane or highway or portion thereof be so situated as to afford a proper and sufficient outlet for such sewers.

2. All private sewers so to be constructed to communicate with the said common sewers shall be of such arrangement, form, material and construction, and communicate with the said common sewers in such a manner and at such parts thereof and under such rules and regulations as the council, upon report of the Sewer Committee and the engineer, may from time to time prescribe, and no person, firm or corporation shall make any openings to uncover any public sewer or house sewer, or make any connection therewith

with unless by permission of the engineer or Committee on Sewers; and it shall be the duty of any person who may construct any such drain or sewer while excavating to securely protect the opening as may be directed by the engineer.

3. No open gutter, cess-pool, privy vault, cellar, underground drain or exhaust pipe from any steam engine shall be connected with any sewer.

4. No pipe carrying sewage or roof water shall discharge alongside of any drain or into any sewer trench. Cellar and subsoil drains shall have their outlets by the side of the public drain pipes, but no opening shall be made therein.

5. No person, firm or corporation shall injure, break, or remove any portion of the sewer system, or its appurtenances, or throw or deposit or cause to be thrown or deposited in any sewer opening or receptacle connected with the sewer system any garbage, offal, dead animals, vegetable parings, ashes, cinders rags or any other matter or thing except faeces urine, the necessary water closet paper, liquid house slops and roof water.

6. The engineer or Committee on Sewers shall have the power to stop and prevent from discharging into the sewer system any private drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of the sewage.

7. The rules set forth in Schedule "A" shall be in full force and govern the construction of house sewers and drains, subject to alterations from time to time by the Committee on Sewers.

8. Every owner of property which is drained into any of the main sewers which are constructed wholly at the expense of the city, and every owner of property in front of which a sewer is constructed as a local improvement shall pay a uniform frontage tax of 79 1-10 cent per foot frontage of the property so drained, to be assessed on each assessable foot of frontage property so drained. Such amount shall be paid in forty equal annual instalments of four cents each per foot frontage, being a sum sufficient to pay both interest and sinking fund for that amount, and the said instalments shall be payable at the same time as ordinary taxes are payable in said city, but the city treasurer may accept payment down of the amounts.

9. Any person or persons desirous of connecting his or their premises with any main sewer, or of connecting it with any sewer for which the property has not been assessed, shall be assessed the same fixed frontage tax as if the sewer were constructed in front of said property and payments shall be made at the same time and in the same manner and for a like number of years as the payments along the sewer constructed.

10. Any property thus assessed for the privileges of connecting with any sewer shall be exempt from any assessment for any sewer construction on the streets in front of such property.

11. The payments aforesaid shall be put on the collector's roll and collected with the other city taxes against said respective properties.

12. That corner lots shall be assessed for sewers constructed under by-laws for local improvements, in the following manner:—

(*a*) Every corner lot shall be entitled to the exemption of one-half the total frontage on the two streets, not exceeding one hundred feet total exemption, except as hereinafter mentioned in clauses "B" and "C."

(*b*) In cases where corner lots are built upon on more than one side of the lot, each separate owner or tenement shall pay a frontage assessment as in clause 4, whether such tenement be on the front or side of the lot, but no such tenement shall pay for more than one street frontage.

(*c*) If a corner lot is a triangular or irregular shaped piece of land, or otherwise so situated as to make portions of the same unfit

fit for building purposes, such allowance shall be made, having due regard to the situation, value and superficial area of such lot as compared with the adjoining lots or pieces of land, as the city engineer may deem just and equitable.

13. That the cost of any sewer in excess of the total amount assesesd on abutting properties shall be borne by the city.

14. Connecting sewers will be constructed by the city between the street sewers and the property lines upon application being made to the city clerk for such connecting sewers by the owner of any lot assessed for a sewer, such application being accompanied by a plan of the plumbing and work with which it is proposed to make connection; such plan to be approved of by the Committtee on Sewers and engineer.

15. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding the sum of fifty dollars for each offence, exclusive of costs, and in default of payment of said penalty and costs forthwith, the said penalty and costs, or costs only, may be levied by distress and sale of the goods and chattels of the offender, and in case of there being no distress found out of which such penalty can be levied, the convicting magistrate may commit the offender to the common gaol for the County of Brant, with or without hard labor, for any period not exceeding six calendar months, unless the said penalty and costs be sooner paid.

Passed on the tenth day of November, 1890.

S. G. READ,
Mayor. (Seal.)
JAMES WOODYATT,
City Clerk.

SCHEDULE "D."

By-law No. 732 of the corporation of the City of Brantford, to ratify and confirm an agreement with the Grand Trunk Railway Company of Canada to raise by way of debentures the sum of fifty-seven thousand dollars.

Whereas an agreement has been entered into between the Grand Trunk Railway Company of Canada and the corporation of the City of Brantford for the running of main line and local passenger trains through Brantford instead of via Harrisburg, which said agreement is set forth in schedule "A" of this by-law; and

Whereas, it is necessary to carry out the terms of the said agreement to raise by the issue of debentures the sum of fifty-seven thousand dollars; and

Whereas, the amount of the whole rateable property of the City of Brantford, according to the last revised assessment roll, is the sum of $6,998,785.00, and the amount of the existing debenture debt of the said city is the sum of $951,691.60, and no part of the same or interest thereon is in arrear; and

Whereas, for paying the interest on the said debentures, amounting to $2,280.00 each year, and for creating a sinking fund to pay the said debentures, amounting to $1,197.00 each year, which together amount to the sum of $3,447.00, it will require the said sum of $3,447.00 to be levied each year during the currency of this by-law;

Therefore, the municipal council of the corporation of the City of Brantford hereby enacts:

1. That the mayor is hereby authorized and empowered to execute, under the seal of the corporation, the agreement set forth in schedule "A" to this by-law.

2. That it shall and may be lawful for the said corporation to borrow the said sum of fifty-seven thousand dollars, and to issue debentures

debentures of the said municipality to the amount of fifty-seven thousand dollars, in sums not less than one hundred dollars each payable at the expiration of thirty years from the first day of October, A. D. 1902, at the rate of four per cent. per annum payable half-yearly from the date of the issuing of the said debentures The said debentures as to both principal and interest shall be made payable at the office in Brantford of the treasurer of the said corporation, and not elsewhere.

3. The mayor of the said corporation is hereby authorized and instructed to sign and issue the said debentures to be issued as aforesaid, and to cause the same and the interest coupons attached thereto, to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the corporate seal thereof to the said debentures.

4. To provide for the payment of the principal and interest of the said debentures the sum of $1,197.00 for the payment of the said principal, and the sum of $2,280.00 for the payment of the said interest, shall, in addition to all other rates, be assessed levied, raised and collected upon all the rateable property in the said municipality in each year during the currency of the said debentures, by a special rate sufficient therefor.

5. The votes of the ratepayers upon this by-law shall be taken on Thursday, the seventeenth day of April, A. D. 1902, at the hour of nine o'clock in the forenoon, and continue to be taken until the hour of five o'clock in the afternoon, at the following places and by the following persons, who are hereby appointed Deputy Returning Officers.

For polling sub-divisions Nos. 1 and 2, at the house of William Graham, 33 Egerton street, John Creassore, Deputy Returning Officer.

For polling sub-divisions Nos. 3 and 4, at Mrs. Pendlebury, No. 99 Oxford street, W. G. Colmer, Deputy Returning Officer.

For polling sub-divisions Nos. 5 and 6, at the house of W. Buckley, 15 Bond street, R. W. Brooks, Deputy Returning Officer.

For polling sub-divisions Nos. 7 and 8, at the house of W. Jackson, 13 Albion street, William Cutmore, Deputy Returning Officer.

For polling sub-divisions Nos. 9, 10 and 11, at the Overseer's office, Queen street, John Dowling, Deputy Returning Officer.

For polling sub-divisions Nos. 12 and 13 at the shop of L. B. Carey, Market street, John McCann, Deputy Returning Officer.

For polling sub-divisions Nos. 14 and 15, at the house of John Fisher, 288 Dalhousie street, Fred. Charlton, Deputy Returning Officer.

For polling sub-divisions Nos. 16 and 17, at the house of Robert Anderson, 210 Chatham street, John Blakely, Deputy Returning Officer.

For polling sub-divisions Nos. 18, 19 and 20, at the house of George Haddlesay, Park avenue, H. B Adams. Deputy Returning Officer.

For polling sub-division No. 21, at the house of William Buckwell, Erie avenue, Fred. Brown, Deputy Returning Officer.

6. On Thursday, the 10th day of April, A. D. 1902 at the hour of ten o'clock in the forenoon the mayor shall attend at the office of the clerk in the city hall to appoint persons to attend the various polling places and at the final summing up of the votes by the city clerk respectively, on behalf of the persons interested in opposing or promoting the passing of this by-law, and the said clerk shall attend at his office in the city hall at ten o'clock in the forenoon of Friday, the 18th day of April, A. D. 1902, to sum up the number of votes cast for and against this by-law.

7. This by-law shall take effect on, from and after the first day of May, A. D. 1902.

SCHEDULE

SCHEDULE "E."

By-law No. 778 of the municipal corporation of the City of Brantford, to authorize the execution of an agreement with the Grand Trunk Railway Company of Canada respecting the closing of Durham street, and for other purposes.

Whereas, it has been deemed advisable to enter into an agreement with the Grand Trunk Railway Company of Canada for the closing of that part of Durham street now occupied by the said company's Buffalo and Goderich tracks, and also that portion situate on the north side of the said Buffalo and Goderich tracks as they now exist between West and Clarence streets, and to convey the same to the company;

Therefore, be it enacted by the municipal council of the corporation of the City of Brantford, and it is hereby enacted, as follows:—

1. That the mayor is hereby authorized and empowered to execute in duplicate the agreement between the Grand Trunk Railway Company of Canada and the corporation of the City of Brantford, which said agreement is set forth in schedule "A" to this by-law, and the city clerk is hereby authorized to affix the seal of the said corporation to the said agreement.

2. The said agreement shall be delivered to the said The Grand Trunk Railway Company of Canada upon the receipt by the clerk of the said corporation of a duplicate original of the said agreement executed by the said company under the corporate seal thereof.

3. This by-law shall take effect immediately on the passing thereof.

Passed on this 26th day of October, 1903.

M. K. HALLORAN,
Mayor.
H. F. LEONARD,
City Clerk.
(Seal)

CHAPTER

CHAPTER 44.

An Act to confirm certain By-laws and Agreements of the City of Chatham, the Township of Dover and the Township of Chatham.

Assented to 25th May, 1905.

Preamble

WHEREAS The Chatham, Wallaceburg and Lake Erie Railway Company is empowered to lay out, construct and operate an electric railway from a point in or near the City of Chatham, in the County of Kent, to a point in or near the Town of Wallaceburg, in the County of Kent, passing through the Townships of Dover and Chatham, together with other extensions provided for in the Act of Incorporation; and whereas the construction of the said railway will be of great benefit to the municipalities of the City of Chatham, the Township of Dover and the Township of Chatham; and whereas the said company has, by its petition, supported by the petitions of the said municipalities, prayed for an Act confirming the following by-laws and agreements made in pursuance thereof as follows, namely: 1. By-law number 931, of the Corporation of the City of Chatham, passed on the 24th day of March, 1905, and the agreement made in pursuance thereof; 2. By-law number 15, of the Corporation of the Township of Dover, passed on the 6th day of May, 1905, and the agreement made in pursuance thereof; 3. By-law number 479 of the Corporation of the Township of Chatham, passed on the 8th day of May, 1905, and the agreement made in pursuance thereof; and whereas it is expedient to grant the prayer of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws and agreements set out in schedules "A," "B" and "C" confirmed.

1. The by-laws and agreements referred to in the preamble to this Act and set out in Schedules "A," "B" and "C"

"C" to this Act are declared to be valid and legal and to be binding upon the parties thereto.

SCHEDULE "A."

By-Law No. 931.

A By-law to provide for partial exemption from taxes on the property of The Chatham, Wallaceburg and Lake Erie Railway Company.

Finally passed the 24th day of March, one thousand nine hundred and five.

Whereas the said company has applied to the council of the municipal corporation of the City of Chatham for partial exemption from taxes, except school rates and local improvement rates, for a term of years on the property of the company situate within the limits of the said city;

And whereas it is expedient to grant the said application;

Therefore the council of the municipal corporation of the City of Chatham enacts as follows:—

The mayor and the clerk of the said municipal corporation are hereby authorized and directed to enter into the agreement hereto annexed as schedule "A."

GEO. W. COWAN,
Mayor.
W. G. MERRITT,
City Clerk.

(Corporate Seal).

This Agreement made the 31st day of March, one thousand nine hundred and five, between the Corporation of the City of Chatham, hereinafter called the City, of the first part, and The Chatham, Wallaceburg and Lake Erie Railway Company, hereinafter called the Company, of the second part.

Whereas the company is about to construct and operate an electric railway between the City of Chatham and the Town of Wallaceburg, or elsewhere as appears by the by-law of said city;

And whereas the company has requested the city to aid the company by granting a partial exemption from taxes (except school rates and local improvement rates) on the property of the company situate within the limits of the city for a term of years;

And whereas the head office, chief power house, car shops, car barns and repairing house of the company will be established in Chatham, and large sums of money will be expended by the company in the erection, equipment and maintenance of the same, as appears by said by-law;

And whereas in view of the great benefit which the railway will be to the city it is deemed expedient to aid the company in the manner applied for during the first years of the operation of the railway;

Now therefore this agreement witnesseth that the said parties hereto do hereby covenant, promise and agree each with the other as follows:—

1. The city covenants and agrees with the company that for a period of five years from the first day of January, one thousand nine hundred and six all lands (except as hereinafter provided) buildings, machinery, plant, cars, rails, ties, poles, wires and all other property of the company situate within the limits of the city

city, provided the same are used in conection with the operation of the railway, shall be exempt from taxes, (except school rates and local improvement rates). Provided, however, that all lands acquired by the company within the limits of the city at any time before the expiration of the said period of five years shall not be exempt from taxation, but the company shall pay from year to year, during the said period, taxes thereon according to the assessment thereof immediately prior to the date or dates at which the company shall become the owner thereof.

2. And the city further covenants and agrees with the company that for a further period of five years, commencing on the first day of January, one thousand nine hundred and eleven, all lands, buildings, machinery, plant, cars, rails, poles, ties, wires, and all other property of the company situate within the limits of the city, provided the same are used in connection with the operation of the railway, shall be exempt from taxes (except school rates and local improvement rates), upon so much of the whole assessed value thereof as shall exceed the sum of ten thousand dollars. Provided, however, that if the company during the said period of ten years shall acquire lands situate within the limits of the city, the assessed value of which, according to the assessment of each parcel immediately prior to the acquisition of the same by the company, shall together exceed ten thousand dollars, then in such case the company shall pay taxes thereon from year to year according to the assessment of each parcel immediately prior to the date at which the company shall acquire the same.

3. The company covenants and agrees with the city that the company, subject to the exemptions herein provided for, will pay all taxes, rates and charges wherewith the said property shall be charged from time to time.

4. The parties hereto further covenant and agree each with the other to join in an application to the Legislature of the Province of Ontario for an Act to ratify and confirm this agreement, the expense of obtaining said Act to be borne by the company, which expense shall include the proper charges of the city solicitor in regard thereto and to such legislation, including his attendance in Toronto.

5. This agreement shall take effect from and after the passing of an Act of the Legislature of the Province of Ontario ratifying and confirming the same.

In witness whereof the parties hereto have hereunto affixed their respective corporate seals.

Signed, sealed and delivered
in the presence of

GEO. W. COWAN,
Mayor.

W. G. MERRITT,
City Clerk.

(Corporate Seal).

J. N. MCKENDRY,
President.

HERBERT L. DUNN,
Secretary.

(Corporate Seal).

SCHEDULE "B."

BY-LAW No. 15.

A By-law to grant exemption from taxes to The Chatham, Wallaceburg and Lake Erie Railway Company.

Passed the 6th day of May, 1905

Whereas The Chatham, Wallaceburg and Lake Erie Railway Company (hereinafter called the "company") is to construct and operate

operate a railway between the City of Chatham and the Town of Wallaceburg;

And whereas the company has requested the township to aid the company by granting exemption from taxes (except school rates and drainage taxes) on the property of the company situate within the limits of the Township of Dover, or between that township and the Township of Chatham for a term of ten (10) years;

And whereas in view of the benefit which the railway will be to the township it is deemed expedient to grant such exemption to the extent hereinafter set forth;

Be it therefore enacted by the municipal council of the Township of Dover, as follows:—

(1) All the property of the company used in connection with the construction and operation of the railway, and the income derived therefrom by the company, shall be exempt from general taxation for a period of ten (10) years from the 1st day of January, 1906, provided, however, that this exemption shall not apply to school rates or drainage taxes; and provided further that the exemption shall cease if the road and railway be not completed within one year from this date, or if it should after completion at any time not be run in compliance with the terms and conditions of any by-law or by-laws of the said municipality with which the company may be bound, or shall have or has in writing agreed to comply.

(2) The corporation shall join with the company in applying to the Legislature of the Province of Ontario for legislation confirming, ratifying and legalizing this by-law, but the company shall pay all costs of such legislation, including the costs of the corporation.

(3) The reeve and clerk are hereby empowered on behalf of this corporation to execute and deliver an agreement bearing even date herewith by and between the corporation and the company for the purpose of carrying into effect the objects and purposes of this by-law.

(4) That neither this by-law nor the agreement referred to in the preceding paragraph hereof shall (except as to costs and expenses to be paid by the company) have any force or effect until confirmed and validated in the form passed and executed by Act of the Legislative Assembly of the Province of Ontario.

(5) This by-law shall be known as By-law Number 15 of the Township of Dover.

Finally passed the 6th day of May, A. D. 1905.

C. PURSER,
Reeve.

JOHN WELSH,
Clerk.

(Corporate Seal).

This Agreement made in duplicate this 6th day of May, A. D. 1905, between The Chatham, Wallaceburg and Lake Erie Railway Company (hereinafter called the "Company"), of the first part, and the Corporation of the Township of Dover, in the County of Kent (hereinafter called the "Township"), of the second part.

Whereas the company desires the township to pass a by-law confirming and carrying out an agreement relating to exemption from taxes, and the township desires to be indemnified from all loss, costs, damages or expenses arising from the passing of such by-law;

And whereas the said by-law was passed on the 6th day of May, 1905 as number 15.

Now therefore the company, in consideration of the premises and of the passing of the by-law of the township by the council thereof exempting

exempting or purporting to exempt the company from assessment or taxes, in whole or in part, within the Township of Dover, covenants and agrees with the township to abide by and comply with all the terms, conditions and provisions contained in the said by-law, and to pay all costs, charges and expenses in connection with the preparation and passing of this agreement, and the said by-law and any legislation relating thereto, including the solicitor's expenses, and the costs of special meetings of council and the attendance of solicitor and council on the part of the township attending the Legislature of Ontario, or a committee thereof, in settling or putting through such legislation to validate or confirm this agreement and the said by-law.

And the township agrees with the company to abide by and comply with all the terms, conditions and provisions contained in said by-law on the part of the township.

In witness whereof the parties hereto have hereunto affixed their seals, attested by the proper officers in that behalf.

C. PURSER,
Reeve.
JOHN WELSH,
Clerk.

(Corporate Seal).

J. N. MCKENDRY,
President.
HERBERT L. DUNN,
Secretary.

(Corporate Seal).

SCHEDULE "C."

BY-LAW NUMBER 479.

A By-law to grant exemption from taxes to The Chatham, Wallaceburg and Lake Erie Railway Company.

Whereas The Chatham, Wallaceburg and Lake Erie Railway Company (hereinafter called the "company"), is about to construct and operate an electric railway between the City of Chatham and the Town of Wallaceburg;

And whereas the company has requested the corporation to aid the company by granting exemption from taxation (except school and drainage rates) on the property of the company situate within the limits of the corporation for a term of years;

And whereas in view of the great benefit which the railway will be to the corporation it is deemed expedient to grant such exemption;

Be it therefore enacted by the municipal council of the Township of Chatham as follows:—

1. All the property of the company used in connection with the construction and operation of the railway, and the income derived therefrom by the company shall be exempt from taxation and from all local rates and charges for a period of ten (10) years from the first day of January, 1906, provided, however, that this exemption shall not apply to school or drainage rates.

2. The corporation shall join with the company in applying to the Legislature of the Province of Ontario for legislation confirming, ratifying and legalizing this by-law, but the company shall pay all costs of such legislation, including the costs of the corporation, if any.

3. The reeve and clerk are hereby empowered on behalf of this corporation to execute and deliver an agreement, bearing even date herewith, by and between the corporation and the company for

for the purpose of carrying into effect the objects and purposes of this by-law.

4. That neither this by-law nor the agreement referred to in the preceding paragraph shall have any force or effect until confirmed and validated by Act of the Legislative Assembly of the Province of Ontario.

5. This by-law shall be known as By-law Number 479 of the Township of Chatham.

Finally passed the 8th day of May, A. D. 1905.

HUGH CUMMING,
Reeve.
A. MCARTHUR,
Clerk.

(Corporate Seal).

This Agreement made and entered into the 8th day of May, 1905, between The Chatham, Wallaceburg and Lake Erie Railway Company (hereinafter called the "Company"), of the first part, and the Corporation of the Township of Chatham (hereinafter called the "Township"), of the second part.

Whereas the company desires the township to pass a by-law confirming an agreement relating to the exemption from taxes of the company, and to the application to the Legislature for an Act confirming such by-law and agreement, and the township desires to be indemnified from all loss, costs, damages or expenses arising from the passing of said by-law or any motion or proceeding to quash the same, or to restrain the council in regard thereto or to said agreement;

Now therefore the said parties of the first part do hereby covenant and agree with the township to indemnify and save harmless the township from and to pay to the Township all loss, costs, damages or expenses arising out of or by reason of the passing of said by-law or the entering into said agreement, or any motion or proceeding to quash the by-law or to restrain the township, so as to fully indemnify and save harmless the said township.

And the said township hereby agrees to abide by and to perform the terms, conditions and provisions of the said by-law when confirmed as aforesaid.

In witness whereof the parties hereto have hereunto affixed their seals, attested by the proper officers in that behalf.

J. N. MCKENDRY,
President.
HERBERT L. DUNN,
Secretary.

(Corporate Seal).

HUGH CUMMING,
Reeve.
A. MCARTHUR,
Clerk.

(Corporate Seal).

CHAPTER 45.

An Act to confirm By-law Number 490 of the Town of Durham, and a certain agreement entered into between the said Town of Durham and "The Durham Furniture Company, Limited."

Assented to 25th May, 1905.

Preamble

WHEREAS the Municipal Corporation of the Town of Durham has, by petition, represented that The Durham Furniture Company, Limited, having applied to the said municipal corporation for aid by way of bonus of the sum of $10,000, and also by way of a loan to the said company in addition thereto of the further sum of $10,000 (in accordance with the terms and subject to the conditions and stipulations mentioned in a certain agreement entered into between the said municipal corporation and the said company) to aid in the re-erection and completion of a factory for the manufacture of furniture within the limits of the Corporation of the said Town of Durham, (in which town the head office of the said company is situated) and the said Municipal Corporation of the Town of Durham is desirous of granting such aid; and whereas in pursuance of the said application the said the Municipal Corporation of the Town of Durham duly as provided for by *The Consolidated Municipal Act, 1903,* submitted to the ratepayers of the municipality a by-law for the said purpose, which by-law received the assent of the duly qualified ratepayers entitled to vote on money by-laws in the manner provided by the said *Municipal Act,* and that the number of voters of the said municipality so entitled to vote was 429, of which number 331 cast their votes in favour of the said by-law, and 18 cast their votes against the said by-law; and whereas the said by-law of the said the Municipal Corporation of the Town of Durham, numbered 490, was finally passed by the council of the said corporation on the 24th day of April, 1905, and the same was duly registered in the proper registry office in that behalf, under the provisions of the said *The Consolidated*

Consolidated Municipal Act, 1903; and whereas the said the corporation of the Town of Durham by the said petition prays that an Act may be passed confirming and legalizing the said by-law numbered 490, and ratifying and confirming the said agreement entered into between the said corporation and the said company, copies of which by-law and agreement, respectively, are set forth in Schedules "A" and "B" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 490 of Town of Durham confirmed and issue of debentures for $10,000 authorized.

1. By-law number 490 of the Municipal Corporation of the Town of Durham, granting aid by way of bonus of the sum of $10,000, and also by way of loan of the further sum of $10,000 in addition thereto, to the "Durham Furniture Company, Limited," to aid and assist them in the re-erection and completion of a factory for the manufacture of furniture within the limits of the Corporation of the Town of Durham, which said by-law is set out in Schedule "A" to this Act, is confirmed and declared valid, legal and binding upon the said the Municipal Corporation of the Town of Durham, and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, or in the manner of passing the same, and notwithstanding any defect in substance or in form of the said by-law, or in the registration thereof, and it shall be lawful for the said municipal corporation to borrow the sum of $10,000, and to issue debentures therefor, as in the said by-law numbered 490 is provided, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and that the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law number 490.

Agreement set out in Sched. "A" confirmed in part.

2. Save as provided in section 3 of this Act, the agreement between the said the municipal corporation of the Town of Durham and the Durham Furniture Company, Limited, referred to in the said by-law number 490, and which is set out at length in Schedule "B" to this Act, is hereby ratified and confirmed in the same manner and to the same extent as if set out at length and incorporated in this Act.

Buildings, plant, etc., to be liable for taxation for school purposes.

3. Notwithstanding anything contained in paragraph numbered 3 of the said agreement, the lands, buildings, plant, stock, and other improvements now owned or hereafter to be acquired for the purposes of the said factory, shall for school purposes be and remain liable to assessment, and school taxes shall be levied and collected thereon in accordance with the provisions of the general law in that behalf.

SCHEDULE "A."

BY-LAW NUMBER 490 OF THE MUNICIPAL CORPORATION OF THE TOWN OF DURHAM.

A By-law to aid and assist the Durham Furniture Company, Limited, in building and operating a furniture factory in the Town of Durham.

Whereas by By-law No. 354 of the municipal corporation of the Town of Durham, the said town did grant by way of loan of the sum of $10,000 to the Durham Furniture Company, Limited, repayment of which loan to the said town was secured by mortgage on the premises of the said the Durham Furniture Company, Limited, and by transfer of insurance thereon to the amount of $10,000 to the said Town of Durham;

And whereas the factory and premises of the said Company were destroyed by fire on or about the 23rd day of March, A. D. 1905, and the amount of $10,000, portion of the fire insurance thereon, has become payable to the said Town of Durham;

And whereas the said company is desirous of rebuilding their said factory, and of having the same completed and in running order during the season of 1905;

And whereas the said company has applied to the municipal council of the corporation of the Town of Durham for aid by way of bonus of the said sum of $10,000, and also by way of a loan to the said company in addition thereto, of the further sum of $10,000, in accordance with the terms and subject to the conditions and stipulations mentioned in an agreement for repayment of the last mentioned sum, as hereinafter set out;

And whereas it is deemed advisable and expedient to grant aid by way of bonus of the said sum of $10,000, and also by way of loan of the further sum of $10,000, in addition thereto, to the said the Durham Furniture Company, Limited, for the purposes hereinbefore mentioned;

And whereas in order thereto, it will be necessary to issue debentures of the said Town of Durham, for the sum of $10,000, as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the said purpose and to no other;

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of ten years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal

cipal and interest shall be as nearly as possible equal to the amount so payable in each of the other nine years of the said period (as shown in schedule "A" hereto annexed.

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest, as hereinafter provided is the sum of $1,263.74;

And whereas the amount of the whole rateable property of the said Town of Durham, according to the last revised assessment roll thereof is $646,433.00;

And whereas the amount of the existing debenture debt of the said municipality is $47,661.41, whereof no part of the principal or interest is in arrear;

Therefore the municipal council of the corporation of the Town of Durham enacts as follows:—

1. It shall and may be lawful for the municipal council of the Town of Durham to grant aid by way of bonus to the Durham Furniture Company, Limited, by way of gift to the said company of the sum of $10,000, and also to grant aid by way of loan to the said the Durham Furniture Company, Limited, of the further sum of $10,000 to aid in the re-erection and completion of a factory for the manufacture of furniture within the limits of the corporation of the Town of Durham, the last mentioned sum of $10,000 to be repayable by the said company to the said Town of Durham, without interest, in ten equal consecutive annual instalments of $1,000 each, the first instalment to become due at the expiration of one year from the final passing of this by-law; in accordance with the terms of an agreement, to be entered into between the said the Durham Furniture Company, Limited, and the said Town of Durham, and repayment of the last mentioned sum of $10,000 to be secured by a first mortgage on the factory and plant of the said company.

2. For the purpose of raising the last mentioned sum of $10,000 debentures of the said Town of Durham, to the amount of $10,000 as aforesaid in sums of not less than $100 each, shall be issued on the 24th day of April, 1905, each of which debentures shall be dated on the date of the issue thereof, and shall be payable within ten years thereafter, at the office of the Standard Bank of Canada, at the said Town of Durham.

3. Each of the said debentures shall be signed by the mayor of the said Town of Durham, and by the treasurer thereof, and the clerk of the said Town of Durham shall attach thereto the corporate seal of the municipality.

4. The said debentures shall bear interest at the rate of four and one-half per centum per annum, payable yearly at the said bank on the 24th day of April in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the mayor and treasurer of the said Town of Durham.

5. During the currency of the said debentures, there shall be raised annually by special rate on all the rateable property in the said Town of Durham, the sum of $1,263.74, for the purpose of paying the amount due in each of the years for principal and interest in respect of the said debt (as shown in the schedule "A" hereto annexed).

6. This by-law shall take effect on the day of the final passing thereof by the municipal council of the Town of Durham.

7. The votes of the electors of the said Town of Durham, entitled to vote, shall be taken on this by-law at the following times and places, that is to say: On Friday, the 21st day of April next, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the following deputy returning officers:—

In the north ward, at Archibald Davidson's office, by Clifton Elvidge, D. R. O.

In

In the east ward, at the Town Hall, by H. H. Mockler, D. R. O

In the west ward, at S. P. Saunder's, by John Smith, D. R. O.

8. On Thursday, the 20th day of April next, the mayor of the said Town of Durham, shall attend at the office of the clerk of the said Town of Durham, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the clerk, on behalf of the persons interested in, and promoting or opposing the passing of this by-law respectively.

9. The clerk of the council of the said Town of Durham, shall attend at his office in the Town of Durham, at ten o'clock in the forenoon of Saturday, the 22nd day of April, A. D. 1905, to sum up the number of votes for and against this by-law.

Dated at the council chamber in the Town of Durham, this 24th day of April, A. D. 1905.

(Sgd.) A. S. HUNTER,
Mayor

(Sgd.) WM. B. VOLLET,
Clerk.

(L. S. Town of Durham.)

SCHEDULE "A."

Referred to in the foregoing by-law, showing how the amount of $1,263.74 therein required to be raised annually by special rate is apportioned.

Year.	Principal.	Interest.	Total.
1906	$813 74	$450 00	$1,263 74
1907	850 36	413 38	1,263 74
1908	888 62	375 12	1,263 74
1909	928 61	335 13	1,263 74
1910	970 40	293 34	1,263 74
1911	1,014 07	249 67	1,263 74
1912	1,059 70	204 04	1,263 74
1913	1,107 39	156 35	1,263 74
1914	1,157 22	106 52	1,263 74
1915	1,209 89	53 85	1,263 74
	$10,000 00	$2,637 40	$12,637 40

SCHEDULE "B."

This Agreement made and entered into this twenty-fourth day of April, in the year of our Lord one thousand nine hundred and five (in triplicate), between The Durham Furniture Company, Limited, of the Town of Durham, in the County of Grey, hereinafter called the "Company," of the first part, and the Municipal Corporation of the Town of Durham, in the County of Grey, hereinafter called the "Corporation" of the second part.

Whereas by By-law numbered 354 of the said corporation the said corporation did grant aid by way of loan of the sum of $10,000 to the said company, repayment of which loan was secured by mortgage on the premises of the said company, and by assignment of insurance policies thereon to the amount of $10,000 to the said corporation;

And whereas the factory and premises of the said company were destroyed by fire on the 23rd day of March, 1905, and the amount of $10,000 portion of the fire insurance thereon has become payable to the said corporation;

And

And whereas the said company is desirous of rebuilding and fitting up with the necessary machinery and plant and operating a factory for the manufacture of furniture in the said Town of Durham, and of having the same completed and in running order during the season of 1905, upon the terms and conditions hereinafter provided and stipulated;

And whereas the said company has applied to the said corporation for aid by way of bonus of the said sum of $10,000 so received by the said corporation of the insurance monies payable in respect of the said fire, and also by way of a loan to the said company in addition thereto, of the further sum of $10,000, to be repaid with in ten years from the 24th day of April, A. D. 1905, and for an exemption from taxes, except as to the amount now levied upon said land, and except school taxes, during the term of ten years, on the terms and conditions hereinafter particularly set out.

And whereas there is no other person or persons engaged in the manufacture of furniture in the said Town of Durham;

And whereas it is deemed expedient by the council of the said corporation to grant the request of the said company upon the terms and conditions hereinafter set out;

Now therefore this agreement witnesseth and it is hereby agreed by and between the said company, their successors and assigns, and the said corporation, their successors and assigns, in manner following, to wit:

1. That the said corporation agree to grant aid by way of a cash bonus of the sum of $10,000 to be advanced to the said company in instalments from time to time as the work of rebuilding and refitting the premises progresses, on the certificate or authority of an inspector to be appointed by the said corporation warranting the said advances.

2. The said corporation agree to loan to the said company the further sum of $10,000 to be advanced to the said company when and so soon as the building and premises of the said company are rebuilt, and the machinery placed therein, ready to commence operations, upon delivery to the said corporation of a first mortgage upon the south part of park lot number six north of Lambton Street, in the Town of Durham, in the County of Grey, containing two acres of land more or less, and upon the buildings and plant to be erected thereon to secure repayment of the said sum of $10,000 according to the terms hereinafter set out.

3. The said corporation agree in pursuance of the powers vested in them, to provide for the exemption during the period of ten years from the completion of the said factory, of the said site, plant, buildings and machinery, of the said company from all taxes (except school taxes) and the said corporation further agree (in so far as they are empowered) for the purpose of general taxation outside of school taxes, to fix the assessment of all the property of the said company used in connection with the said manufactory and of all subsequently acquired property of the said company at an aggregate assessed value of $450 during the said period of ten years.

4. The said company agree that they will on or before the first day of September, A.D. 1905, erect and build within the limits of the corporation of the Town of Durham, and upon the site of the former factory burned down, such buildings and other erections and will put and place therein such machinery and plant as may be necessary to make the whole a modern and well equipped furniture factory, of such capacity as will require the employment and services of at least sixty workmen, said buildings and erections to be constructed of stone, brick, or concrete, or any one or more of them (except storage building).

5. The said company agree that they will maintain and operate and continuously operate and repair and keep in good working order

order and repair the said furniture factory, plant and machinery, at the said Town of Durham, for a period of ten years from the date hereof, and to employ and keep continuously employed at the said factory and working solely in connection therewith at least sixty workmen daily on an average at least eleven months in each and every twelve months during the said term of ten years.

6. By way of further securing the repayment of the said sum of $10,000 so loaned by the said corporation the said company agree to execute and deliver to the said corporation in such reasonable form as may be approved of by the solicitor for the said corporation a first mortgage for the sum of $10,000, free from all encumbrances, upon the south part of Park lot number six north of Lambton Street, in the said Town of Durham, containing two acres more or less, and all the buildings, plant and machinery to be erected thereon, such buildings, plant and machinery to be taken as between the parties hereto, as real estate and fixtures, and to be incorporated in and covered by the said mortgage, and the said sum of $10,000 to be payable in ten equal consecutive annual instalments of $1,000 each, without interest, on the 24th days of April, in each of the ten years immediately following the execution of this agreement.

7. The said company agree at their own expense to insure and keep insured continuously during the whole of the said period of ten years against loss or damage by fire the said buildings, plant and machinery, in insurance companies acceptable to the council of the said corporation, in the sum of $10,000, and in default, the said corporation may insure the said buildings, plant and machinery for the said sum of $10,000, and charge the monies paid for premiums thereon to the said company, and the said company shall make the said insurance payable to the said corporation, and shall assign transfer and set over into the said corporation the policy or policies, receipt or receipts thereto appertaining.

8. The said company agree to issue new stock in the said company to the amount of $10,000, and secure the taking up and payment in full of the same within the period of ten months from the date hereof, and the whole proceeds of such stock shall forthwith upon receipt of the same be invested in the working and plant of the said company

In witness whereof the corporate seal of the said company and the hands of the president and secretary thereof, and the said corporation has hereunto attached its corporate seal, and caused its mayor and clerk to sign these presents.

THE DURHAM FURNITURE COMPANY. Limited.

(Sgd.) D. JAMIESON, Pres.

(Sgd.) GEO SPARLING, Secretary. L.S.

Signed, Sealed and Delivered in presence of (Sgd) J. P. TELFORD.

(Sgd.) A. S. HUNTER, Mayor.

(Sgd.) WM. B. VOLLET, Clerk. L.S.

CHAPTER

CHAPTER 46.

An Act to confirm By-Law No. 677 of the County of Elgin.

Assented to 25th May, 1905.

Preamble.

WHEREAS the corporation of the County of Elgin has, by petition, prayed that by-law No. 677 of 1905 of the County of Elgin, to purchase the interest of the owner of The London and Port Stanley gravel road in the said County, and for the purpose of abolishing the tolls on the said road, should be confirmed; and whereas the corporations of the Townships of Yarmouth and Southwold and of the Village of Port Stanley have entered into certain agreements with the corporation of the County of Elgin with the view of having the said road purchased and freed from tolls; and whereas the corporation of the said two townships and the said Village of Port Stanley have joined in the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 677 of County of Elgin confirmed.

1. By-law No. 677 of the said County of Elgin, set out in Schedule "A" to this Act, is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the other municipal corporations and parties mentioned therein, and to be affected thereby in the same manner and to the same extent as if the provisions of the said by-law had been embodied in an Act of this Legislature.

Provisions of 1 Edw. VII. c. 33 to apply.

2. Notwithstanding the provisions of section 28 of *The Act to amend the Statute Law* passed in the 2nd year of His Majesty's reign, chaptered 12, the provisions of *The Toll Roads Expropriation Act, 1901*, and amendments thereto,

thereto, relating to the expropriation and to the procedure to be followed by the corporation of any county for the expropriation of toll roads under the said Act, and to the arbitration with respect to such expropriation shall apply to the purchase of the toll road mentioned in the said by-law and to the arbitration and other proceedings thereon, except in so far as the provisions of the said Act and amending Acts may be inconsistent with the terms of the said by-law No. 677, or the said agreements, or may relate to matters with respect to which different provisions are made by the said by-law and the corporation of the said county shall be bound to purchase the said road at the price to be fixed by arbitration.

Agreements in Scheds. "B," "C" and "D" confirmed.

3. The agreements between the said corporations of the said county and the said two townships and the said village, set out in Schedules "B," "C" and "D" to this Act, are confirmed, and declared to be legal, valid and binding on the said municipal corporations and the ratepayers thereof as if the word "owner" appeared therein in place of the word "lessee."

County of Elgin authorized to levy rates on property in Tps. of Yarmouth and Southwold.

4. The corporation of the County of Elgin shall have power to levy a rate upon the property in the municipalities of the said two townships in each year for the term of five years sufficient to raise the additional 30 per cent. payable by the said two townships under the provisions of the said agreements.

2 Edw. 7, c. 12, s. 28 repealed.

26 Vic., c. 49, s. 1 amended.

5. Section 1 of Chapter 49 of the Acts of the Parliament of the Province of Canada, passed in the 26th year of Her late Majesty's reign, is hereby amended by adding thereto the words "So long as the said road continues to be a toll road;" and section 2 of the said Act is hereby amended by adding thereto the following: "So long as the said road continues to be a toll road, but that part of the said road lying within the City of St. Thomas shall as soon as the said road is freed from toll be under the jurisdiction and control of the corporation of the City of St. Thomas, and shall be maintained thereafter by the said city."

Arbitrators to settle amount to be paid to city.

6. In addition to determining and awarding the amount to be paid to the owners and the proportions in which such amount is to be contributed by the county and city respectively under the provisions of *The Toll Roads Expropriation Act 1901*, and amendments thereto, the arbitrators shall also determine and award what sum, if any, the County of Elgin shall pay or allow to the City of St. Thomas towards the cost of

of putting that portion of the said road and bridges thereon within the limits of the City of St. Thomas, including boundary bridges, in a proper state of repair.

Levy of general rate on County or pay cost of road about 30 per cent.

7. The balance of the money which the said County of Elgin shall be required to pay the said owner for his interest in the said road in excess of the 30 per cent. payable by the said two townships under the said agreements and of the share which the corporation of the City of St. Thomas shall be required to pay under the provisions of *The Toll Roads Expropriation Act* and amendments thereto, shall be raised by levy of a uniform rate upon the property of the whole county.

SCHEDULE "A."

BY-LAW No. 677.

To provide for the purchase of the interest of the lessee in the London and Port Stanley Toll Road.

Passed 4th April, 1905.

1. Whereas in the year 1857 the County Council of the County of Elgin leased for 199 years the London and Port Stanley Toll Road situated in the townships of Yarmouth and Southwold in said county.

2. And whereas this council is desirous of purchasing the interest of the lessee of the London and Port Stanley Toll Road and of freeing the same from tolls.

The council of the corporation of the County of Elgin, enacts:

That the interest of the lessee in the London and Port Stanley Toll Road be purchased, and the said road freed from tolls, and that the warden make application to the Legislative Assembly of Ontario for a special Act confirming this by-law and the agreements entered into by this corporation and the corporations of the Townships of Southwold and Yarmouth and of the Village of Port Stanley.

St. Thomas, 4th April, 1905.

(Sgd.) ANGUS TURNER,
Warden.

(Sgd.) K. W. MCKAY,
County Clerk.

(Seal of the Corporation of Elgin.)

SCHEDULE "B".

This agreement made this fifteenth day of April A.D. 1905, in duplicate between the corporation of the Township of Yarmouth, of the first part, and the corporation of the County of Elgin of the second part.

Whereas the corporation of the County of Elgin desires to purchase the interest of the lessee of the London and Port Stanley gravel road which runs from the northerly limit of the County of Elgin to Lake Erie, with the view of having the same freed from tools.

And whereas the said corporation of the Township of Yarmouth also desires that the said purchase may be made and that the said road be freed from tolls.

Now

Now therefore this agreemnt witnesseth that in consideration of the premises and the sum of one dollar now paid by the said corporation of the County of Elgin to the said corporation of the Township of Yarmouth, the said corporations agree the one with the other in the manner following:

1. The said corporation of the Township of Yarmouth will pay to the corporation of the County of Elgin 15 per cent. of the amount which the corporation of the County of Elgin shall have to pay to the said lessee for his interest in the said road over and above its liability to contribute its share of the balance of the cost of the interest of the said lessee in said road as one of the municipalities of the County of Elgin, the said 15 per cent. to become due and payable as soon as the said road shall be freed from tolls in five equal annual payments, including interest at the rate provided in the debentures to be issued therefor by the county.

2. And it is also agreed by and between the parties hereto that upon the said road being freed from tolls as aforesaid all those portions of the said road within the limits of the said Township of Yarmouth shall be vested in and shall be under the jurisdiction of and maintained by the said Township of Yarmouth as every other township road, but such vesting in the said township of the said road and liability for maintenance thereof shall not extend to any bridges or works thereon which should under *The Municipal Act* be erected or maintained by the said County of Elgin.

3. Providing always and it is hereby expressly agreed that the interest of the lessee in the said road shall be acquired or the arbitration proceedings under which the same shall be acquired, shall be begun within eighteen months from the date hereof, otherwise this agreement to be void.

As witness the corporate seals of the above named corporations and the signatures of the warden of the County of Elgin and the Reeve of the Township of Yarmouth.

Signed, sealed and delivered in the presence of

(Sgd.) JAMES M. GLENN.

(Sgd.) ANGUS TURNER,
Warden of Elgin
(Corporate Seal of Elgin.)

(Sgd.) C. E. LOCKE,
Reeve of Yarmouth.
(Corporate Seal of Yarmouth).

SCHEDULE "C".

This agreement made in duplicate this fifth day of April, one thousand nine hundred and five between the corporation of the Township of Southwold, of the first part, and the corporation of the County of Elgin, of the second part.

Whereas the corporation of the County of Elgin desires to purchase the interest of the lessee of the London and Port Stanley Gravel Road which runs from the northerly limit of the County of Elgin to Lake Erie with the view of having the same freed from tolls.

And whereas the said corporation of the Township of Southwold also desires that the said purchase may be made and the said road freed from tolls.

Now therefore this agreement witnesseth that in consideration of the premises and the sum of one dollar now paid by the said corporation of the County of Elgin to the said corporation of the Township of Southwold, the said corporations agree the one with the other in the manner following:

1. The said corporation of the Township of Southwold will pay to the corporation of the County of Elgin, 15 per cent. of the amount

amount which the corporation of the County of Elgin shall have to pay to the said lessee for his interest in the said road over and above its liability to contribute its share of the balance of the cost of the interest of the said lessee in said road as one of the municipalities of the County of Elgin, the said 15 per cent. to become due and payable in five equal annual payments, including interest at the rate provided in the debentures to be issued therefor by the county.

2. And it is also agreed by and between the parties hereto that upon the road being freed from tolls as aforesaid, all those portions of the said road within the limits of the said Township of Southwold shall be vested in and shall be under the jurisdiction of and maintained by the said Township of Southwold as every other township road, but such vesting in the said township of the said road and liability for maintenance thereof shall not extend to any bridges or works thereon which should, under *The Municipal Act*, be erected or maintained by the said County of Elgin.

Provided always and it is hereby expressly agreed that the interest of the lessee in the said road shall be acquired, or the arbitration proceedings under which the same shall be acquired, shall be begun within eighteen months from the date hereof, otherwise this agreement to be void.

As witness the corporate seals of the above named corporations and the signatures of the warden of the County of Elgin and the Reeve of the Township of Southwold.

Signed, sealed and executed in the presence of

(Sgd.) ANGUS TURNER,
(Seal of Corporation of Elgin).
(Sgd.) HERBERT HENDERSON
Reeve of the Township of Southwold.
(Seal of Corporation of Township of Southwold).

SCHEDULE "D".

This agreement made in duplicate this 14th day of April A.D. 1905. between the corporation of the Village of Port Stanley of the first part, and the corporation of the County of Elgin, of the second part.

Whereas the corporation of the County of Elgin desires to purchase the interest of the lessee in the London and Port Stanley Gravel Road which runs from the northerly limit of the County of Elgin to Lake Erie, with the view of having the same freed from tolls.

And whereas the said corporation of the Village of Port Stanley also desires that the said purchase be made and that the said road be freed from tolls.

Now therefore this agreement witnesseth that in consideration of the premises and the sum of one dollar now paid by the said corporation of the County of Elgin to the said corporation of the Village of Port Stanley, the said corporations agree the one with the other in the manner following:

1. It is agreed by and between the said parties hereto that that upon the said road being freed from tolls as aforesaid all that portion thereof within the limits of the said Village of Port Stanley shall be vested in and shall be under the jurisdiction of and maintained by the said Village of Port Stanley as every other public road except as hereinafter provided, but such vesting of the said road in the said Village of Port Stanley and the liability for maintenance thereof shall not extend to any bridge or works thereof, if any, which should under *The Consolidated Municipal Act* be erected or maintained by the said County of Elgin.

2.

2. It is further agreed by and between the said parties that the corporation of the County of Elgin shall forever maintain the small bridge over the stream crossing Colborne Street, opposite village lot 12, north of Charlotte Street, in the said village and shall always execute such works as may from time to time be necessary to prevent the said road from injury or destruction by the action of the water flowing in Kettle Creek where the said road adjoins the said creek.

3. Provided always and it is hereby expressly agreed that the interest of the lessee in the said road shall be acquired, or the arbitration proceedings under which the same shall be acquired, shall be begun with 18 months from the date hereof, otherwise this agreement to be void.

As witness the corporate seals of the above named corporations and the signatures of the warden of the County of Elgin and the Reeve of the Village of Port Stanley.

Signed, sealed and executed in the presence of

(Sgd.) ANGUS TURNER,
Warden of Elgin.

(Sgd.) ARTHUR MACDONALD,
Reeve of Port Stanley.

(Corporate Seal of Elgin). (Corporate Seal of Port Stanley.)

CHAPTER 47.

An Act respecting the Town of Fort William, 1905.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Corporation of the Town of Fort William has by petition represented that the council of the said town did on the 7th day of September, 1904, submit By-law No. 364 of the said town to the duly qualified ratepayers thereof, after publishing the said by-law in at least three issues of The Fort William Daily-Times Journal, a newspaper published daily in the said town, being the issues of the said newspaper of the 13th, 20th and 27th days of August, 1904, and whereas out of 763 votes entitled to be cast in respect thereof, 400 were cast in favor thereof and 14 against the same; and whereas no estimates of the proposed expenditure under such by-law were published as required by *The Consolidated Municipal Act, 1903*, and doubts have arisen as to the validity of such by-law for that and other reasons; and whereas the said by-law was finally passed by the council of the said town on the 20th day of September, 1904, and registered in the Registry Office in and for the District of Thunder Bay on the 18th day of October, 1904; and whereas the said corporation has by petition further represented that the council of the said town did, on the 2nd day of January, 1905, submit By-laws numbered 374, 375, 376 and 377 of the said town to the duly qualified ratepayers in that behalf, together with estimates of the proposed expenditure to be made under such by-laws, after publishing the said by-laws and estimates in The Fort William Daily Times Journal, aforesaid, for three successive weeks and the greater part of a fourth week prior to the voting thereon; and whereas out of 878 votes entitled to be cast in respect of each of such by-laws, the following was the result, namely,—

By-Law

By-law No. 374—410 votes in favor of and 72 against.
By-law No. 375—393 votes in favor of and 88 against.
By-law No. 376—377 votes in favor of and 109 against.
By-law No. 377—413 votes in favor of and 69 against;

and whereas doubts have arisen as to the validity of some, if not all, of such by-laws on account of the insufficiency of the publication of such by-laws and estimates and for other reasons; and whereas the said by-laws were finally passed by the council of the said town on the 10th day of January, 1905, and registered in the Registry Office in and for the District of Thunder Bay on the 28th day of January, 1905; and whereas the value of the rateable property of the said town according to the last revised assessment roll is $2,147,470, and the debenture debt of the said town, exclusive of local improvement debts, is $446,919.83; and whereas no objection has been made thereto on the part of any ratepayer; and whereas no application has been made to quash or set aside any of the said By-laws numbered 364, 374, 375, 376 and 377, nor is any action pending wherein the validity of any of such by-laws has been or can be called in question; and whereas the said corporation has by petition prayed for special legislation in respect of the above and other matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 364 extension of waterworks confirmed.

1. By-law No. 364 of the said town, intituled "A by-law to provide the further sum of $12,000 for extensions of the waterworks system of the Town of Fort William," be and the same is hereby declared to be and to have always been since the final passing thereof a valid, legal and existing by-law of the said town, and the debentures now issued, or which may or shall hereafter be issued thereunder (when so issued) shall be valid and binding upon the said corporation and the ratepayers thereof.

By-laws for improving fire service, electric light system, telephone system and waterworks confirmed.

2. The following by-laws of the said town, namely,—By-law No. 374, intituled "A by-law to further improve and better the Fire Protection of the said town and to provide for the raising of $5,000 by way of debentures necessary therefor"; By-law No. 375, intituled "A by-law to further improve and extend the Electric Light System of the said town and to provide for the raising of $6,000 by way of debentures necessary therefor"; By-law No. 376, intituled

A by-law

"A by-law to further improve and extend the Telephone System of the said town and to provide for the raising of $22,500 by way of debentures necessary therefor"; By-law No. 377, intituled "A by-law to further extend and improve the waterworks system of the said town and to provide for the raising of $11,500 by way of debentures necessary therefor", are declared to be and to have always been since the final passing thereof, valid, legal and existing by-laws of the said town, and the debentures now issued or which may or shall hereafter be issued thereunder (when so issued) shall be legal and binding upon the said corporation and the ratepayers thereof.

Tax sales validated.

3. All sales of lands within the said town, up to and including the one held in the year 1903, and purporting to be made for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* or any amendments to either of the said Acts in regard to the manner in which any assessment roll or collector's roll of the said town has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said town, or in regard to the furnishing, authenticating, or depositing of any list of lands in arrear for taxes within the said town, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of said town to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained; provided, however, that any land so sold for taxes which is still held by the corporation may be redeemed by the owner thereof or any mortgagee thereon within three months from the passing of this Act, by such owner or mortgagee paying to the corporation the full amount which would have been necessary to redeem the same, within one year from the day of sale as provided in *The Assessment Act*, including interest, the costs and charges of the sale, and also all taxes which have accrued subsequent to the sale, and a sum for any year or years in

Proviso as to further time to redeem.

which

which the same may not have been rated for taxes equal to what would have been the taxes thereon at the current rate for such year or years if the land had been assessed to a private person, and also interest upon the several sums to the time of such redemption; and provided further that nothing in this section contained shall affect any rights which are the subject of litigation at the time of the passing of this Act.

CHAPTER 48.

An Act respecting certain aid by the Corporation of the Town of Fort William to the Grand Trunk Pacific Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Corporation of the Town of Fort William has by petition represented that the Council of the said town did, in the year 1904, appoint a special committee of ten of the most able and prominent ratepayers of the said town for the purpose of and with full power to enter into an agreement with the Grand Trunk Pacific Railway Company respecting the erection of that Company's Lake Superior terminals at or near Fort William; that the said Grand Trunk Pacific Railway Company appointed a select sub-committee of three, which was comprised of C. H. Jackson, Ex-Mayor of Fort William, Edward R. Wayland, Secretary of the Board of Trade, and James Murphy, to complete the negotiations and to enter into an agreement with the said company as aforesaid, that the said sub-committee in pursuance thereof, entered into the agreement with the Grand Trunk Pacific Railway Company hereinafter set forth; that the said agreement has been unanimously approved of and ratified by the full Grand Trunk Pacific Railway Company Committee aforesaid, as well as by the Municipal Council and the Board of Trade of the said town; that by-law No. 385 set out as Schedule "A" hereto was on the 10th day of May, 1905, submitted to the ratepayers qualified to vote thereon when out of 1,073 voters entitled to vote thereon, 777 voted in favour of the said by-law and 55 against; that the said agreement was fully published in a special edition of the Fort William *Daily Times-Journal*, a newspaper published daily at the Town of Fort William, in the issue of the said paper on the thirtieth day of March, 1905; and whereas the said Corporation has prayed that an Act should be passed to confirm the said by-law and to authorize the said Corporation to enter into the agreement therein referred to and whereas it is expedient to grant the prayer of the said petition.

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

By-law No. 385 of Town of Fort William confirmed.

1. By-Law No. 385 of the Corporation of the Town of Fort William set out in Schedule "A," hereto is hereby ratified and confirmed and declared to be a valid, legal and existing by-law of the said Corporation and the debentures, which shall hereafter be issued thereunder (when so issued) shall be valid and binding upon the said Corporation and the ratepayers thereof.

Town authorized to enter into agreement with G. T. P. Ry. Co. set out in Schedule "A."

2. The said Corporation is hereby authorized to enter into the agreement with the Grand Trunk Pacific Railway Company, set out in Schedule "A" hereto and upon the execution thereof by the said Corporation and the Grand Trunk Pacific Railway Company, the same shall be valid and binding upon the said parties respectively and the terms thereof, shall be incorporated in and made part of this Act.

Powers for carrying out agreement vested in town.

3. The Council of the Corporation of the Town of Fort William is hereby vested with all powers and authority necessary to enable it to carry out the provisions of the said agreement, on its part to be observed and performed.

Certain lands part of Indian Reserve, when to form part of town.

4. The sixteen hundred acres of land, now forming part of the Fort William Indian Mission Reserve, mentioned in the said agreement, as well as all other lands contiguous thereto, which may from time to time be acquired by the said Railway Company, shall, when and so soon as the same is granted to or acquired by said Railway Company, or otherwise become subject to the control and jurisdiction of the Legislative Assembly of the Province of Ontario, be and form part of the Town of Fort William; and such lands shall, when and so soon as they become part of the said Town of Fort William hereunder, be and form part of Ward Four of the said town.

5. Notwithstanding anything contained in the by-law and agreement set out in Schedule "A," hereto the power of the Corporation of the Town of Fort William to grant the exemption from taxation therein mentioned shall be limited to a period of fifteen years from the first day of May, 1905.

SCHEDULE "A."

TOWN OF FORT WILLIAM.

By-law No. 385

A by-law authorizing the corporation of the Town of Fort William to enter into a certain agreement with the Grand Trunk Pacific Railway Company and to provide for the raising of the sum of $300,000 by way of debentures.

Whereas

Whereas the corporation of the Town of Fort William deems it desirable and in the best interests of the town that the agreement hereinafter set out as Schedule "A" should be made and entered into with the Grand Trunk Pacific Railway Company;

And whereas it is necessary to raise the sum of $300,000 on the credit of the corporation in order to enable the corporation to carry out its part of such agreement;

And whereas the said sum of $300,000 is the amount of the debt intended to be created thereby;

And whereas the total assessed value of all property in the Town of Fort William amounts to $5,375,435, of which $2,125,000 is totally exempt from taxation and the sum of $317,500 is partially exempt from taxation;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll is $3,250,435;

And whereas the existing debenture debt of the said Town, exclusive of local improvements, amounts to $504,939.86, made up as follows:

Waterworks debenture debt	$ 88,000.00
Electric light debenture debt.....	105,500.00
Telephone debenture debt.....	35,000.00
School and general debenture debt	276,439.86
Total.....	$504,939.86

of which no part of the principal or interest is in arrear, and for the payment of which a sinking fund of $76,730.63 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of said corporation to the amount of $300,000, bearing interest at four and one-half per centum per annum;

And whereas it will require the sum of $13,500 to be raised annually for a period of thirty years (the currency of the debentures to be issued under and by virtue of this bylaw) to pay the interest on the said debt and the sum of $4,917.46 to be raised annually during the said period for the payment of the said debt intended to be created by this bylaw such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the said debt becomes payable, making in all the sum of $18,417.46 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of $18,417.46 to be raised annually for the said period of thirty years by a special rate on the whole rateable property in the said town for the payment of said debt and interest as aforesaid.

Therefore the corporation of the Town of Fort William enacts as follows:

1. That it shall and may be lawful for the mayor of the said corporation and he is hereby authorized and empowered to borrow the said sum of three hundred thousand dollars ($300,000) on the credit of the said corporation for the purposes aforesaid, and to issue debentures of the said corporation to the amount of $300,000 in sums of not less than $100 each payable within thirty years from the day of the legalization hereof and to bear interest at four and one-half per centum per annum payable half yearly on the first day of the months of March and September in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of day when same is legalized by the Legislature of the Province of Ontario, shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

3. That, notwithstanding anything in *The Municipal Act* to the contrary, such debentures or any part thereof may be issued from time to time as the mayor of the said town deems necessary in order to carry out the provisions of the said agreement.

4. Within and during the said period of thirty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the Town of Fort William, in addition to all other rates, levies and assessments, the said sum of $13,500 to pay the interest on the said debentures, and also the further sum of $4,917.46 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of $18,417.46 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of the interest thereon, and the said debentures as to principal and interest shall be payable at the office of the town treasurer, Fort William, Ontario.

6. Every debenture to be issued hereunder shall contain a provision in the following words, "This debenture or interest thereon shall not after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable, except by the entry by the treasurer or his deputy in the debenture registry of the said corporation of the Town of Fort William," or to the like effect.

7. The mayor and clerk of the said corporation are hereby authorized and empowered to make and enter into an agreement with the Grand Trunk Pacific Railway Company in the form and to the effect hereinafter set forth in Schedule "A" hereto, and to sign, seal, execute and deliver the same, and generally to do all other things necessary to carry out the provisions thereof.

8. The said corporation shall as soon as possible apply to the Legislature of the Province of Ontario for all necessary legislation confirming this bylaw and the said agreement and enabling the same to be carried out.

9. This bylaw is subject to the ratification and legalization by the Legislature of the Province of Ontario and shall come into force upon the passing of such legislation.

10. That the votes of the electors of said municipality entitled to vote on this bylaw shall be taken on Wednesday, the 10th day of May, 1905, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day, as follows:

In Ward One—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward Two (Subdivision No. 1)—In sample room at the Avenue Hotel, McVicar Street; deputy returning officer, D. W. Black.

In Ward Two (Subdivision No. 2)—At town offices; deputy returning officer, John McNaughton.

In Ward Three—In George Coates' office; deputy returning officer, W. Palling.

In Ward Four—At court house; deputy returning officer, G. B. Smith.

11. That on Monday, the 8th day of May, 1905, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk for the purpose of appointing in writing signed by himself two persons to attend at the final summing up by the town clerk of the votes polled on this bylaw, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this bylaw, and a like number on behalf of the persons interested in and desirous of opposing the passing of this bylaw.

12. That on Thursday, the 11th day of May, 1905, at the hour of ten o'clock in the forenoon, at the offices of the town the clerk of the said corporation will proceed to sum up the number of votes given for and against this bylaw.

Given under the corporate seal of the Town of Fort William, as witnessed by the hand of its mayor and clerk this 13th day of May, 1905.

(Sgd.) E. S. RUTLEDGE, Mayor.
(Sgd.) A. MCNAUGHTON, Clerk.

Schedule A.

SCHEDULE "A."

This indenture of agreement entered into at the Town of Fort William, in the Province of Ontario, on the twenty-ninth day of March, one thousand nine hundred and five, between the Grand Trunk Pacific Railway Company, hereinafter called "the company" of the first part, and the municipal corporation of the Town of Fort William, hereinafter called "the municipal corporation," of the second part.

Witnesseth: Whereas the company is authorized by its charter to construct a branch line from a point on its main line to Fort William or Port Arthur, or any other Canadian port on Lake Superior approved by the Governor-in-Council, which branch is commonly known as the Lake Superior Branch;

And whereas it is in the interests of the municipal corporation and will greatly assist in its welfare and development if the company should build such branch line to Fort William aforesaid, and there establish and maintain its terminals and other works in connection therewith;

And whereas the municipal corporation has offered certain inducements to the company to act as aforesaid;

Now therefore the parties hereto agree as follows:

1. In consideration of the premises and in consideration of the covenants and agreements hereinafter expressed and contained, which are conditions precedent to the obligations of the company hereunder, the company within one year from the date of its acquisition of sixteen hundred acres of what is commonly known as the Indian Reservation, and for which it has filed a plan, a copy of which is hereto attached and marked "A," will commence to erect and maintain thereon its principal Lake Superior terminals, works, and head offices of the engineering, construction, and operating staffs in connection with and pertinent to said Lake Superior Branch.

2. The municipal corporation will assist the company in every way possible in acquiring the sixteen hundred acres above mentioned.

3. The said sixteen hundred acres, together with any other property contiguous thereto that may be purchased by the company from time to time, shall, when so acquired, be incorporated within the limits of the municipal corporation.

4. The municipal corporation will grant and convey to the company by a good and sufficient deed, in fee simple, free from all encumberances, without cost to the company,, thirteen hundred feet, more or less, of water front and road allowance adjoining, now owned by the municipal corporation, situated in front of lot six, concession one, Town of Fort William, on the Kaministikwia River, the land so to be conveyed being shown on the plan hereto attached and marked "B." The municipal corporation hereby further agrees to close against public use the said road allowance.

It is further agreed that the municipal corporation will grant and convey to the company, by a good and sufficient deed, in fee simple, free from all encumberances, without cost to the company, all of James Street, and a right of way fifty feet on either side of James Street produced to the northern boundary of the Town of Fort William, shown on the plan marked "B," and to close said street and right of way against public use, except that six public crossings per mile to be selected by the municipal corporation may be reserved for public use.

It is further agreed that at the option of the municipal corporation Yonge Street may be substituted for James Street in the above clause.

5. The municipal corporation will pay to the company a bonus of three hundred thousand dollars ($300,000.00) in cash, payable as follows, namely, in three equal installments of one hundred thousand dollars ($100,000.00) each; one hundred thousand dollars ($100,000.00)

($100,000.00) when the company shall have spent the sum of three hundred thousand dollars ($300,000.00) within the municipal corporation, or on what is known as the Indian Reservation, for land, docks, yards, buildings, or any improvements, in connection with the purposes of the company, an additional one hundred thousand dollars ($100,000.00) when the company shall have spent six hundred thousand dollars ($600,000.00) in all for said purposes, and an additional one hundred thousand dollars ($100,000.00) when the company shall have spent nine hundred thousand dollars ($900,000.00) in all for the said purposes; said expenditure shall be ascertained and determined according to the books of the company kept for that purpose.

6. The municipal corporation will pay to the company an additional bonus of fifty thousand dollars if within one year from the signing of this agreement it obligates itself to construct within two and a half years from date of this agreement, a bridge, at a location to be agreed upon by the company and the municipal corporation, and give the municipal corporation the perpetual right to cross same for street railway, vehicle and foot traffic, also street approach on the south side of the Kaministikwia River, over lands owned by the company, it being understood that the company reserves all right for railway traffic. The bonus will be payable on completion of the bridge.

7. The municipal corporation will, and it does hereby grant to the company exemption from all municipal rates, taxes and assessments (excluding school taxes) on all lands, buildings, structures, and property acquired and held for railway purposes, for a term of fifteen years from May first, one thousand nine hundred and five. This exemption will also apply to any property of the company acquired and held by it as aforesaid, which may during said term be brought within the limits of the municipal corporation.

8. The municipal corporation hereby grants to the company, free of cost and of all liability, the right to build on the level and operate in perpetuity, a double track line of railway on all streets of the municipal corporation colored red on the plan attached hereto and marked "B." The municipal corporation reserves the right, at its own expense, to construct and maintain beneath the company's tracks a vehicular subway on each of the following streets, namely, Vickers, Duncan, Ridgeway, Arthur and McVicar, provided that the municipal corporation gives notice of its intention to construct such subways, or any of them prior to the completion of the company's grading across the streets involved, and provided further that the construction of these subways, or any of them, shall not interfere with the alignment or proper surface of the company's tracks. These tracks shall be laid side by side with thirteen foot centres and such additional widths as are necessary at curves.

The municipal corporation hereby further grants to the company free of cost and of all liability, the right to build on the level and operate spurs and sidings from the line of railway on said streets to such industries, warehouses, properties, and places situate in the blocks of land adjacent to streets on which said line of railway or branches thereof are constructed, as the company may desire.

The municipal corporation will assist the company in any application to the Board of Railway Commissioners, which the company may make, in relation to the rights hereby granted.

9. It is further agreed that if at any time hereafter it should be deemed necessary by the municipal corporation, to separate the grades at any point where said tracks are laid on, along or across the streets or highways of the said municipal corporation, or if separation of grades at the points aforesaid should be ordered or required by the municipal corporation the said company shall perform all work and supply all material necessary to properly separate said grades and shall keep a true and correct account therefor, and the said municipal corporation hereby undertakes and agrees to pay to the said company the cost, including land damages, which the said company may incur by reason of separating said grades and

and will annually, on the first of each and every year, pay to the said company the cost of maintaining the works and structures occasioned by reason of the separation of grades as aforesaid.

10. This agreement is subject to the same being ratified by the ratepayers of the municipal corporation under the provisions of *The Municipal Act*, and in such other manner as may be required by law in order to render the same binding upon all parties; and the parties mutually covenant and agree to sign and execute such other deeds and assurances, and to do and perform such things as may be necessary to give legal effect hereto.

11. The municipal corporation will forthwith take all proceedings necessary to procure said ratification by its ratepayers forthwith, and also, at its own expense, to obtain legislative confirmation hereof.

In witness whereof the parties hereto have hereunto affixed their respective corporate seals on the day and year first above written.

Grand Trunk Pacific Railway Company,

Per FRANK W. MORSE,
Vice-Pres. and Gen. Manager.

E. R. WAYLAND,
JAS. MURPHY,
C. H. JACKSON,
Committee representing the Town of Fort William.

Signed, Sealed and Delivered in the presence of

GEO. A. KNOWLTON.

CHAPTER.

CHAPTER 49.

An Act to provide for the division of the Township of Front of Yonge and Escott.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Municipal Corporation of the Township of Front of Yonge and Escott, in the County of Leeds, has by its petition represented that by an Act passed in the 51st year of the reign of Her late Majesty, Queen Victoria, Chaptered 48, the Township of Front of Yonge and the Township of Front of Escott were united as one municipality under the name of the Township of Front of Yonge and Escott; and that it is expedient to separate the said township into two distinct municipalities, inasmuch as such division will greatly promote the welfare and conveniences of its inhabitants; and whereas the said corporation has prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Township of Front of Yonge constituted.

1. Upon, from and after Friday, the twenty-second day of December, 1905, the inhabitants of that portion of the said Township of Front of Yonge and Escott, which (prior to the passing of the said Act) comprised the Township of Front of Yonge, shall constitute a separate township or corporation under the name of the Corporation of the Township of Front of Yonge, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

2.

Township of Front of Escott constituted.

2. Upon, from and after Friday, the twenty-second day of December, 1905, the inhabitants of that portion of the said Township of Front of Yonge and Escott which (prior to the passing of the said Act) comprised the Township of Front of Escott, shall constitute a separate township or corporation under the name of the Corporation of the Township of Front of Escott, and the said territory shall thereafter be deemed to be such separate municipality for all municipal school and other purposes and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

Provision as to division of assets and debts.

3. All and every the assets and debts of the present municipality of Front of Yonge and Escott shall be divided between the said respective municipalities of Front of Yonge on the one hand and Front of Escott on the other, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior township from a senior township, and as soon as the said debts shall have been divided as aforesaid each of the said municipalities shall be bound to the repayment of the share of the said debts which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining, however, liable as surety in respect of the share (if any) of the said debts which it is not its duty primarily to pay.

Date and place of holding first nomination and election.

4. The first nomination for the election of municipal councillors for the said townships shall take place on the said Friday, the twenty-second day of December, in the year 1905, and the polling (if any) at such election shall take place on the first Monday in January, next thereafter; and the place of holding such nomination for the Township of Front of Yonge shall be where the last annual election of Councillors for the Township of Front of Yonge and Escott was holden, and the Returning Officer at such election shall be the Treasurer of the present Township of Front of Yonge and Escott; and the place for holding the nomination for the Township of Front of Escott shall be at the Town Hall in the Village of Escott in the said township and the Returning Officer at such election shall be the Township Clerk of the present Township of Front of Yonge and Escott.

Provisions of 3 Edw. VII., c. 19 to apply as to separation.

5. The provisions of *The Consolidated Municipal Act, 1903*, and amendments thereto having reference to the case

case of a separation of a junior township from a senior township shall apply to the Townships hereby formed, and for the purpose of applying such provisions the said Township of Front of Escott shall be deemed to have been the junior township and the Corporation of the Township of Front of Yonge shall be deemed to have been the senior township, and the Corporation of the Township of Front of Yonge shall be deemed to be a continuation of the said Corporation of Front of Yonge and Escott.

Copy of Assessment Roll to be furnished to returning officer of Township of Front of Yonge.

6. The Clerk of the said Township of Front of Yonge and Escott shall furnish to the Returning Officer of the Township of Front of Yonge before the said election a copy of the Assessment Roll of the Township of Front of Yonge and Escott for the year 1905, so far as the same contains the rateable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the Township of Front of Yonge.

Liability for maintenance of drains, etc., not affected.

7. Nothing in this Act contained shall be construed to have the effect of relieving any owner of lands or any municipality from any liability existing at the time of the passing of this Act for maintaining and keeping in repair any ditch, drain, creek or water course, but such liability shall continue, as if this Act had not been passed, and all future assessments in respect of any ditch, drain, creek or water course, being partly in the Township of Front of Yonge and partly in the Township of Front of Escott, shall be made and levied by the Municipal Council of each of the said Townships against the lands liable for such assessments therein.

Expenses of Act.

8. All expenses of obtaining this Act and of furnishing any documents, copies of papers, writings, deeds, or any other matter whatsoever required for the passing of the same and all expenses necessary to put this Act into effect shall be paid by the Townships of Front of Yonge and Front of Escott in the proportion of the respective assessments of the two said townships.

CHAPTER

CHAPTER 50.

An Act respecting the Town of Goderich.

Assented to 25th May, 1905.

Preamble. WHEREAS the Corporation of the Town of Goderich, has by petition represented that the said Corporation has incurred a floating indebtedness, amounting to the sum of $17,000 being the balance still owing from necessary expenditures upon capital account in connection with their waterworks system, amounting to $2,071.91, and in connection with their Electric Light System amounting to $2,984.59, and for their share of local improvement expenditure, amounting to $928.89, and in respect of the construction of a sewer amounting to $2,000, and for payment into the sinking fund of the said town to make good a deficiency due to the fall in the rate of interest, amounting to $2,400, and for payment to the Provincial Auditor for his services, amounting to $1,000, and for loss in respect of the increased price of fuel in the season of 1902 and 1903, estimated at $2,000, and for discount on the sale of certain debentures, amounting in all to $550, and for interest paid upon monies borrowed to pay calls upon stock to the amount of $50,000 in The Goderich Elevator Co., purchased by the said town under the provisions of the Act passed in the 61st year of the reign of Her late Majesty, Chaptered 41, until such stock was surrendered under the provisions of the Act passed in the 62nd year of the reign of Her late Majesty, Chaptered 50, about $5,000, and for the costs of litigation between the said town and the said company, about $800, which said floating indebtedness is represented by notes held by the Bank of Montreal for advances made in respect thereof and is justly due and payable, but which cannot be paid out of the ordinary taxation in addition to the necessary and ordinary annual expenditure; and whereas the said Corporation has by its said petition further represented that by By-law No. 8 finally passed on the 3rd day of March, 1905, which is set out in Schedule

Schedule A hereto, the Council of the said Corporation authorized and directed the conveyance by the said Corporation of certain lands held for market purposes, to The Goderich Public Library Board, as a site for a Free Public Library and Reading Room, and that the said lands have been duly conveyed in pursuance of the said by-law and the said public library erected thereon; and whereas the said Corporation has by its said petition prayed for an Act consolidating the said floating indebtedness and authorizing the issue of debentures for the payment thereof, and validating and confirming the said by-law and the conveyance made in pursuance thereof.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated and debentures authorized.

1. The said floating indebtedness is hereby consolidated at the said sum of $17,000, and it shall be lawful for the said corporation from time to time to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal, signed by the Mayor and countersigned by the Treasurer for the time being, in such sums, not less than $100. each, and not exceeding in the aggregate $17,000, exclusive of interest, and payable at such places as the corporation may deem expedient, and to raise by way of loan on the credit of the said debentures a sum sufficient to pay the said floating indebtedness hereby consolidated.

Term of debentures and rate of interest.

2. The said debentures shall be payable in not more than twenty years from the issue thereof and shall bear interest at any rate not exceeding five per cent. per annum payable yearly at the places mentioned therein.

Manner of payment.

3. The said debentures shall be payable in equal annual instalments, including principal and interest in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal as nearly as may be to the amount payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged.

Special rate.

4. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called the "Consolidated Debt Rate" and it shall not be necessary to levy or to provide any sinking fund to retire the said debentures.

5.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the payment of the said indebtedness hereby consolidated and in no other manner and for no other purpose whatever. Application of proceeds.

6. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-law not to be repealed.

7. It shall not be necessary to obtain the assent of the electors of the said Town of Goderich to the passing of any by-law which shall be passed under the provision of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*. Assent of electors not required. 3 Edw. VII., c. 19.

8. It shall be the duty of the treasurer for the time being of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement shewing the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts thereby secured and the time at which the same shall respectively become due and payable, and the several amounts which shall from time to time be realized by the sale thereof, and the application from time to time made of the said amounts, and the said book shall at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders of the said debentures. Treasurer to keep proper books of account.

9. Section 434 of *The Consolidated Municipal Act, 1903*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act and shall be deemed to be incorporated in this Act. Application of 3 Edw. VII., c. 19 s. 434.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act : and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any of them Inconsistent enactments not to apply.

them or any part thereof : and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing such debentures or as to the application of the proceeds thereof.

By-law and conveyance confirmed.

11. The said By-law No. 8 of the said corporation authorizing the conveyance of the lands therein described to The Goderich Public Library Board, passed on the Third day of March, 1905, and set out in full in Schedule "A" hereto, and the conveyance made by the said corporation to the said Goderich Public Library Board in pursuance thereof are declared legal and valid and binding upon the said municipal corporation and the ratepayers thereof, nothwithstanding any want of power or jurisdiction in the said municipality to pass such by-law or make such conveyance, and notwithstanding any defect in substance or in form of the said by-law or conveyance or in the manner of passing or executing the same respectively.

Indebtedness of town not discharged.

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Goderich from any indebtedness or liability which may not be included in the indebtedness above stated.

Short title.

13. This Act may be cited as *The Town of Goderich Debenture Act, 1905.*

SCHEDULE A.

BY-LAW No. 8, 1905, TOWN OF GODERICH.

A By-Law for granting land to The Goderich Public Library Board.

Whereas the Municipality of the Town of Goderich is the owner of lot number one hundred and eighteen, running number of the Town of Goderich.

And whereas the portion of the said lot which is hereinafter described is no longer required for the purposes of the said Corporation and it has been resolved to grant such portion to The Goderich Public Library Board for the purpose of the erection thereon of a building to be used as a Free Public Library and Reading Room.

And whereas the said building has been duly erected by the said Board upon the said lands.

Therefore be it enacted:—

1. That the Corporation of the Town of Goderich do grant and convey to the Goderich Public Library Board that portion of lot number one hundred and eighteen, running number in the said Town of Goderich, which may be described as follows:—Commencing at the easterly angle of the said lot, thence due west along the south side of Lighthouse street a distance of ninety-nine feet, thence due south thirty-four and a half feet, thence due south forty-five degrees east, forty-five and a half feet to the north-westerly side of Montreal street, thence due north forty-five degrees east along said north-westerly

westerly side of Montreal street ninety-five feet to the place of beginning, containing one eleventh of an acre of land more or less as and for a site for a free Public Library and Reading Room.

2. The Mayor and Clerk of the said Town of Goderich are hereby authorized and empowered to execute and deliver a proper conveyance of the said lands to the said Goderich Public Library Board for the said purpose and the Clerk is hereby authorized to affix the corporate seal thereto.

Dated this 3rd day of March, 1905.

M. O. JOHNSTON,
Clerk.
(Seal.)

W. T. MURNEY,
Mayor.

CHAPTER 51.

An Act respecting the Town of Gravenhurst.

Assented to 25th May, 1905.

Preamble

WHEREAS the Municipal Corporation of the Town of Gravenhurst has, by petition, shown that the existing debenture debt of the said town, apart from $29,465.10, outstanding in connection with the electric light plant of the town, amounts in all to $40,887.22, made up as follows:—$1,799 balance on the purchase of sites and the erection of public school buildings, terminating in the year 1906; $850 for purchase of high school site, maturing in the year 1925; $3,672.31, balance of cost of high school buildings terminating in the year 1919; $7,112.08, balance of grant in aid of hospital for consumptives, terminating in the year 1916; $3,143.55, balance for a fire hall and appliances, terminating in the year 1918; $8,573.96 balance of cost of erection of town hall, terminating in the year 1920; $3,726.32, due on debentures issued for paying balance due on town hall and other capital indebtedness properly payable by debenture loan, terminating in the year 1922; $2,000, for purchase of town park, terminating in the year 1924, and $10,000 bonus to the Clark Manufacturing Company, terminating in the year 1924; that in addition to the said debenture debt the said corporation has contracted a floating indebtedness amounting in all to about $10,000, which includes $5,101, payable to the Electric Light Commission of the said town to settle the balance due to the said commission from the corporation on account of the taking over by the said commission of the electric light plant in the said town; $870, the cost of a factory site for the Clark Manufacturing Company purchased by the town in pursuance of Bonus By-law No. 334 and certain costs incurred in connection with litigation concerning the said by-law; $460, for necessary additions to the fire equipment of the said town, and $3,179.76 being a cash deficit found in a special audit of the accounts of the said town, to be due by the said town as of the 31st day of

of December, 1904; that the value of the whole rateable property of the said town according to the last revised assessment roll is $378,717, and the tax rate imposed for the year 1904 was for general purposes seventeen mills on the dollar besides school rates; that to pay the said floating indebtedness out of the annual rates and to raise the sum required annually to meet the principal and interest falling due on account of the existing debenture indebtedness would be unduly oppressive to the ratepayers of the said town; that the improvements in respect of which the said debts have been incurred are all of a necessary and permanent character; and whereas the said municipal corporation has by its petition prayed that an Act may be passed consolidating the said floating indebtedness and the existing debenture debt (exclusive of the electric light debenture debt) and to authorize the said corporation of the said town to issue debentures from time to time therefor; and whereas by the said petition the said corporation has also prayed that the assessment rolls and the collectors' rolls or documents purporting to be the assessment rolls and collectors' rolls of the municipality, down to and including the year 1904, be validated and confirmed; and whereas no objection has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Debts consolidated at $51,000.

1. The above recited debenture debts and the floating indebtedness of the said Town of Gravenhurst are hereby consolidated at $51,000, and it shall be lawful for the Corporation of the Town of Gravenhurst aforesaid to raise by way of loan or loans on the credit of debentures to be issued under the authority of this Act from any person or persons or body corporate a sufficient sum or sums to retire at one time or from time to time, all or any part or parts of the said existing debenture debts and to pay the floating indebtedness, in all amounting to not more than $51,000.

Issue of debentures.

2. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws providing for the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than $100 each and not exceeding in the aggregate $51,000, and payable at such places as the corporation may deem expedient.

3.

Power to sell or borrow on debentures.

3. The said corporation may for the purpose herein mentioned raise money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as may be deemed expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty years from the 2nd day of November, 1905, as the said corporation may direct; such debentures may bear interest at any rate not exceeding five per cent. per annum, and the interest on said debentures, or on any part thereof may be made payable by coupons to be attached thereto if the by-law so directs.

Term of debentures.

5. Any debt incurred under the authority of this Act shall be payable in thirty years at furthest from the 2nd day of November, 1905, and shall be payable in equal annual instalments, including principal and interest, in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal as nearly as may be to what is payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year a sum sufficient to pay the amount falling due annually for principal and interest in respect of debentures authorized to be issued under this Act and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation, firstly, in the payment of the said floating indebtedness to an amount not exceeding $10,000, and secondly, in the redemption of all or any of the above recited debentures of the Town of Gravenhurst to the amount of $40,887.22, and in no other manner and for no other purposes whatsoever and such debentures may be known as the "Consnlidated Debt Debentures."

Retirement of outstanding debentures.

8. The treasurer of the said town shall on receiving instructions from the council so to do from time to time call in any of the outstanding debentures, but only with the consent of the holders thereof; and shall discharge the same with the funds raised under the preceding sections of the Act; or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon

on between the said council and the holders of the said outstanding debentures.

Application of sinking fund raised for High School debenture.

9. In the event of the debenture for the high school site amounting to $810, being called in or paid off with the consent of the holders thereof, then the sinking fund provided for in connection with the said debenture may be used for part payment thereof and after the said debenture has been called in or has had other debentures substituted therefor, it shall no longer be necessary for the said corporation to levy any rate to provide any sinking fund for the said high school debt debenture.

Indebtedness of town not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Gravenhurst from any indebtedness or liability which may not be included in the said consolidated debentures of the said Town of Gravenhurst, and in particular this Act is not intended to affect or in any way discharge the liability of the said corporation in respect of debentures issued for $30,000 on the 18th day of May, 1903, in connection with the purchase of the electric light plant of the said town.

Form of debentures and by-laws.

11. The by-laws authorizing the said debentures from time to time may be in the form of Schedule "A" to this Act, with such variations as may be required.

Assent of electors not required.

12. It shall not be necessary to obtain the assent of the electors of the said Town of Gravenhurst to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation to money by-laws prescribed by *The Consolidated Municipal Act, 1903.* 3 Edw. VII. c. 19.

Inconsistent enactments not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the passing of such by-law or for the issue

issue of such debentures or as to the application of the proceeds thereof.

Assessment and collector's rolls confirmed.

14. The assessment rolls and the collectors' rolls of the Municipality of the Town of Gravenhurst, or the documents deposited in the offices of the clerk or treasurer of the said municipality and purporting to be the assessment rolls and collectors' rolls of the said municipality, for each and every year down to and including the year 1904, are validated and confirmed notwithstanding any irregularities appearing in the said rolls or in the return thereof and notwithstanding any irregularities in connection with any proceedings taken or which should have been taken by any officer of the said municipality for the purposes of making the taxes a binding charge against the lands assessed, to the intent that the Municipality of the Town of Gravenhurst may sell any lands in respect to which the taxes have not been paid within the time limited by law.

SCHEDULE "A."

BY-LAW

By-law number ....to authorize the issue of debentures under the authority of the Act respecting the Town of Gravenhurst, being chapter .... of the Statutes of Ontario, 1905.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not to exceed $ .... in the whole as the Corporation of the Town of Gravenhurst may in pursuance of and in conformity with the provisions of the said Act from time to time direct.

And whereas for certain of the purposes of the said Act it is necessary and expedient to issue debentures to the extent of $ .... payable in annual instalments extending over .... years with interest thereon at the rate of .... per centum per annum payable yearly according to the coupons to be attached to the said debentures.

And whereas the amount of the whole rateable property of the said Town of Gravenhurst according to the last revised assessment roll for the said town being for the year .... was $ ....

Therefore the Municipal Corporation of the Town of Gravenhurst enacts as follows:—

1. Debentures under the said Act and for the purposes therein mentioned to the extent of $ ....repayable in .... annual instalments of sufficient amount each year to make with the interest charged as nearly as possible an equal annual repayment of principal and interest combined, are hereby authorized and directed to be issued.

2. The said debentures shall *bear* interest at the rate of .... per centum per annum payable yearly on the .... day of ... . in each year. (*If interest is to be paid by coupons* add "upon presentation of the proper coupons for the same to be annexed to said debentures as the same shall severally become due.")

This by-law passed in open council this .... day of... ... ...in the year of our Lord ....

CHAPTER

CHAPTER 52.

An Act respecting the Village of Grimsby.

Assented to 12th May, 1905.

Preamble.

WHEREAS the Municipal Corporation of the Village of Grimsby has petitioned praying that an Act may be passed to validate and confirm a by-law of the Village of Grimsby passed on the 29th day of June, 1904, intituled "By-law No. 192, To provide for the issue of debentures to the amount of $34,000 for the construction of water-works in the Village of Grimsby," and also all debentures issued or to be issued thereunder and all rates levied and to be levied for the payment thereof; and whereas the said by-law was duly submitted to the vote of the qualified ratepayers of the said Village of Grimsby on the 27th day of June, 1904, and received a large majority of the votes of the ratepayers, the number of votes polled in favour of the said by-law being largely in excess of the number required to confirm the same, and the said by-law was duly passed by the Municipal Council of the Village of Grimsby on the 29th day of June, 1904; and whereas a considerable portion of the work of construction of said water-works system has been completed and the corporation has borrowed the amount requir d to be expended to this date from the bankers upon the ordinary credit of the municipality; and whereas a doubt has arisen as to the legality of the said by-law and the said municipality is unable to dispose of the said debentures; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law No. 192 of Village of Grimsby, confirmed.

1. The said By-law of the Corporation of the Village of Grimsby intituled "By-law number 192, To provide for the issue of debentures to the amount of $34,000 for the construction of water-works in the Village of Grimsby," as set forth in Schedule "A" to this Act and all debentures issued or to be issued thereunder and all rates

rates levied or to be levied for the payment thereof are confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect in substance or form in the said by-law, or in the manner of passing the same or otherwise, and notwithstanding any want of authority or jurisdiction of the said corporation or the municipal council thereof to pass the same.

SCHEDULE A.

BY-LAW No. 192.

To provide for the issue of Debentures to the amount of $34,000 for the construction of Water works in the Village of Grimsby.

Whereas it has become necessary to construct and maintain water-works for supplying of water for the use of the inhabitants of the Village of Grimsby, and it is estimated that the cost of such water-works and of all buildings, materials, machinery and appurtenances thereto belonging will be $34,000 which sum it is proposed to raise by the issue of debentures of the Corporation of the Village of Grimsby payable by instalments extending over twenty-nine years bearing interest at four per cent. per annum.

And whereas it will require the sum of $2,001.92 to be raised annually for a period of twenty-nine years for paying the said instalments of principal and interest.

And whereas the whole amount of the rateable property of the municipality, according to the last revised assessment roll is $231,810.

And whereas the existing debenture debt of the municipality amounts to $19,111.42 exclusive of local improvement debts, secured by special rates or assessments, and no principal or interest is in arrear.

Therefore the Council of the Corporation of the Village of Grimsby enacts as follows:

1. The construction of a system of water-works together with all buildings, materials, machinery and appurtenances thereto belonging for a supply of water for the use of the inhabitants of the Village of Grimsby is hereby authorized.

2. It shall be lawful for the Corporation of the said Village, for the purpose aforesaid, to issue debentures of the said municipality, sealed with the seal of the Corporation and signed by the Reeve and Treasurer of the said Village, to the amount of $34,000, and the interest thereon at four per cent. per annum, the principal to be payable by annual instalments during the period of twenty-nine years from the thirty-first day of December, 1904, and the interest on the whole unpaid principal to be payable annually with each of said instalments, and to be included with the principal in such debentures, the total amount of such debentures for each instalment of principal, with interest added, payable on the thirty-first day of December in each year during the said period of twenty-nine years to be $2,001.92, and said debentures to be issued in sums of not less than $100 each.

3. The said debentures shall be payable at the office of the Bank of Hamilton in Grimsby, and shall be consecutively numbered when issued.

4. There shall be raised and levied annually during the period of twenty-nine years from the thirty-first day of December, 1904, the sum

sum of $2,001.92 by special rate on all the rateable property in the said municipality for payment of said instalments of principal and interest.

5. For the purpose of giving effect to the preferential charge to which the holders of such debentures would be entitled under the Municipal Waterworks Act on the said water-works and the property appertaining thereto and the lands acquired for the purposes thereof, the said corporation shall after the construction of said works, and after providing for the expenses attendant upon the maintenance thereof, pay and apply in each year towards payment of the principal and interest of said debentures so much of the revenues arising from or out of the supplying of water or from the real or personal property connected with said water-works as may be sufficient to meet the annual payments of such principal and interest and the balance, if any, of such revenues shall form part of the general funds of the Corporation.

6. If on account of a sum being on hand in any year derived from the said water-works and applicable to the payment of the debentures issued under this by-law payable in that year it shall be found unnecessary to levy the full rate imposed by this By-law or any portion thereof in order to raise the instalment of the principal and interest thereby required to be raised for that year, the rate for that year may be reduced or omitted so that no more money may be collected than the amount required.

7. The votes of the qualified electors of this municipality shall be taken on this By-law by James Brodie, the Clerk of the Municipality as Returning Officer at the Town Hall in the Village of Grimsby, on Monday, the twenty-seventh day of June, 1904, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon.

8. On Monday, the thirteenth day of June, 1904, the Reeve shall attend at the Town Hall at eight o'clock in the evening to appoint two persons to attend at the polling place and at the final summing up of the votes by the Clerk of the Municipality, on behalf of the persons interested in, or desirous of opposing or promoting the passing of this By-law respectively.

9. On the 27th day of June, 1904, immediately after the taking of the vote on the By-law, the Clerk of the Municipality shall, in the presence of the persons authorized to attend or such of them as may be present, sum up the number of votes for and against the By-law, and shall then and there declare the result.

Sgd. WM. MITCHELL. (Reeve).

Sgd. JAMES BRODIE, (Clerk).

CORPORATE SEAL.

CHAPTER

CHAPTER 53.

An Act to confirm By-law No. 201 of the Village of Grimsby, and a certain Agreement made with the Walker Steel Range Company, Limited.

Assented to 25th May, 1905.

Preamble.

WHEREAS the corporation of the Village of Grimsby has, by petition, represented that, it having been made to appear to them that the Walker Steel Range Company, Limited, having heretofore carried on the manufacture of stoves, ranges and other articles, in temporary premises at the Town of Windsor, which said premises owing to the increase in their business had become too small, and unsuitable for the purposes of said company, had decided in any event to remove their said factory from the said Town of Windsor, and were desirous of locating at the Village of Grimsby, and the said corporation of the Village of Grimsby being satisfied that it was the intention of the said Walker Steel Range Company, Limited, in any event to remove their plant from the said Town of Windsor, the municipal council of the said corporation, on the eleventh day of March, 1905, submitted to a vote of the duly qualified electors by-law number 201 of the said village entitled "By-law No. 201 of the Village of Grimsby, to raise by way of debentures the sum of fifteen thousand dollars to grant the same by way of loan to the Walker Steel Range Company, Limited, of Windsor, Ontario, to aid them in establishing and carrying on the manufacture of stoves, ranges, and other articles, in the Village of Grimsby," when, out of 237 electors entitled to vote, 187 of the said electors voted for said by-law, and 10 against it, the vote in favor of said by-law being largely in excess of the number required by law in such cases; that on the thirteenth day of March the said by-law was finally passed by the council of said village, and thereafter was duly promulgated and registered as required by law, and that in pursuance of the said by-law an agreement was entered into between the corporation of the said village and the said Walker Steel Range Company, Limited, which agreement is dated March 13th, 1905; that in accordance with

with the terms of said agreement the corporation of the said village paid to the said Walker Steel Range Company, Limited, $1,000, which said sum was borrowed from the Bank of Hamilton upon the ordinary credit of the municipality; that the said Walker Steel Range Company, Limited, thereupon entered into an agreement for the purchase of extensive buildings and premises, in and upon which to carry on their manufacturing business in the said Village of Grimsby, and forthwith moved all their plant, machinery and stock in trade from the said Town of Windsor to the said Village of Grimsby, in accordance with the terms of the said agreement, and have now installed the greater part of the plant and machinery, and have made extensive alterations and repairs to the said buildings and premises; that the said Walker Steel Range Company, Limited, have now commenced the manufacture of stoves, ranges and other articles, in accordance with the terms of their agreement; that unless the said by-law is confirmed and legalized the said corporation of the Village of Grimsby will be unable to dispose of their debentures and to carry out their contract with the said company, and to repay the sum borrowed from the Bank of Hamilton, and the said Walker Steel Range Company, Limited, will be unable to complete the purchase of the buildings and premises in the said Village of Grimsby, in which their said plant and machinery is now installed, or to carry on their business, and the said company will also suffer serious loss; and whereas the said corporation of the Village of Grimsby has, by petition, prayed that an Act may be passed to validate and confirm the said by-law and the debentures issued or to be issued thereunder, and all rates levied and to be levied for the payment thereof, and to validate and confirm the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law Number 201 of the corporation of the Village of Grimsby, set forth in Schedule "A" to this Act, is confirmed and declared to be legal, valid and binding on the municipal corporation of the Village of Grimsby, and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said village to pass the said by-law, and notwithstanding any defect or error in substance or form of the said by-law, or in the manner of passing the same, and the said corporation of the Village of Grimsby may issue and sell debentures in accordance with the said by-law

By-law No. 201 of Village of Grimsby confirmed.

by-law number 201, and may do all other necessary acts for the full and proper carrying out of the said by-law.

Rates levied or to be levied confirmed.

2. All rates levied or to be levied for payment of the principal and interest of debentures under the said by-law, are ratified and confirmed and declared to be legal, valid and binding, and the said corporation may levy such further rates as may be necessary in pursuance of the terms of the said by-law.

Agreement set out in Sched. B. confirmed.

3. The agreement set forth in Schedule "B" hereto is ratified and confirmed and declared to be and to have been from the date of execution thereof legal, valid and binding on all parties thereto.

SCHEDULE "A."

BY-LAW NO. 201, OF THE VILLAGE OF GRIMSBY.

To raise by way of debentures the sum of fifteen thousand dollars to grant the same by way of loan to the Walker Steel Range Company, Limited, of Windsor, Ont., to aid them in establishing and carrying on the manufacture of stoves, ranges and other articles in the Village of Grimsby.

Whereas the said company have made application to the Council of the Corporation of the Village of Grimsby for assistance by way of a loan of money for the purpose of enabling them to establish their industry in the said village.

And whereas the said corporation have agreed to make the said loan upon certain terms and conditions set forth in an agreement between the said parties.

And whereas the company have agreed to repay the said loan by instalments during ten years, without interest.

And whereas the company further agree to employ not less than 40 men for eleven months each year during 10 years; to keep the property insured to the full amount of the mortgages; to pay taxes and water rates assessed against their property and to agree to a fixed assessment of $5,000.00 for ten years; to maintain the business in Grimsby during the life of the loan, that is 10 years, and to give as further security a personal bond of the company for $5,000.

And whereas it is necessary in order to make the said loan to borrow the sum of fifteen thousand dollars and to issue debentures of the said corporation therefor.

And whereas the whole rateable property of the Village of Grimsby according to the last revised assessment roll is $240,400.

And whereas the existing debenture debt of the village amounts to $57,410.85 and no principal or interest in arrears.

And whereas it will require the sum of $1,153.14 to be raised annually for a period of 20 years to pay the interest of and discharge the said debt as the same becomes due.

And whereas it would be a public benefit to the ratepayers of the corporation to have in operation an industry such as said company propose to establish.

Therefore the Municipal Council of the Corporation of the Village of Grimsby enacts as follows:

That it shall be lawful for the reeve of the Village of Grimsby to cause to be raised by way of loan from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of the debentures hereinafter mentioned a sum of money,

money, not exceeding on the whole $15,000.00 and cause the same to be paid into the hands of the treasurer of the said village for the purpose aforesaid. It shall be lawful for the said reeve to cause the debentures necessary for the sum required to be made of not less than $100.00 and not exceeding on the whole $15,000.00 said debentures to be sealed with the corporate seal of the said village and signed by the reeve and treasurer thereof.

That the said debentures shall be made payable at the Bank of Hamilton in Grimsby on the 1st day of April in each of the twenty years commencing with the year 1906 for the amount following, including interest at the rate of four and one-half per centum per annum.

That the amount of each debenture shall be $1,153.14 and be dated on the day of the date of the passing of this by-law by the council.

That for the purpose of paying said debentures and interest, a special rate sufficient for the purpose shall in addition to all other rates be assessed, levied and collected in each year on all the rateable property of the said municipality if necessary, during the continuance of said debentures, or any of them, except said debentures shall be sooner paid.

The votes of the duly qualified electors, entitled to vote upon this by-law, shall be taken on the 11th day of March, 1905, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day, and the clerk of the said village shall be the returning officer to take the votes at the town hall in the said village.

That on the 6th day of March, 1905, at the hour of 8 o'clock in the evening, at the council chamber, the appointment of persons to attend at the final summing up of votes by the clerk, respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law, shall be made.

That immediately after the close of the poll on the 11th day of March, 1905, the said clerk shall sum up the number of votes for and against the by-law.

That this by-law shall come in force and have effect from and after the final passing thereof by the council.

SCHEDULE "B."

AGREEMENT.

This agreement made in duplicate this 13th day of March in the year of our Lord 1905, between the Municipal Council of the Corporation of the Village of Grimsby, in the County of Lincoln, and Province of Ontario, Canada, of the first part, and the Walker Steel Range Co., Ltd., of Windsor, Ontario, of the second part. Witnesseth.

That whereas the parties of the second part have purchased a plant in the Village of Grimsby and purpose to establish, operate, and maintain a factory for the manufacturing of stoves, ranges and other articles in the said village, and the said municipal corporation have agreed to loan to the said company, to assist them in the said undertaking, the sum of fifteen thousand dollars for ten years without interest provided a by-law of the said corporation would be assented to by the duly qualified electors.

Now, therefore, the parties hereto, hereby agree to and with each other in manner following:

1. The parties of the second part agree to establish within the limit of the said municipality, a modern, first class factory, fully equipped with all necessary plant and machinery for the purpose of manufacturing stoves, ranges and other articles, and to continually, and properly maintain and operate the same at the Village of Grimsby for a term of ten years.

2. In consideration whereof, the said municipal corporation agree to pay to the said parties of the second part, as soon as the industry shall be in operation, the sum of fifteen thousand dollars as a loan to be repaid as hereinafter provided.

3. The parties of the second part agree that they will invest at least the sum of $20,000 in the purchase of the said plant and equipment.

4. It is agreed that the plant and machinery used in the operation of the said industry shall not until after the expiration of ten years from the date hereof, be sold or removed without the consent of the said municipal corporation, or until the repayment to the said corporation of the amount due on the said loan.

5. It is agreed that the said parties of the second part shall employ not less than forty hands for eleven months in each year during the said period of ten years, and in case of default in any year of the said period shall pay to the said corporation the amount of interest due on the debenture for that year.

6. It is agreed that to repay the said loan the said parties of the second part, shall pay to the said corporation the sum of fifteen hundred dollars during each and every year of the said period of ten years or sooner, said payment to be due and payable on or before the twenty-fifth day of March in each of the ten years commencing with the year 1906, provided that the said parties of the second part may repay the loan in less than ten years should they so desire.

7. It is agreed that to secure the corporation in respect of the said loan, the parties of the second part shall give to the said corporation a first mortgage in the sum of $15,000 on the buildings, plant, machinery and stock in trade used by the company in the operation of their business and a personal bond of the said company of $5,000.

8. It is agreed that the said parties of the second part shall insure and keep the premises insured to the full amount of the mortgage for the benefit of the corporation which may be reduced from year to year as the payments aforementioned have been duly made.

9. The parties of the second part further agree to pay all the taxes and water rates as assessed against the premises, the parties of the first part agreeing to fix the assessment at $5,000 per annum for the said period of ten years.

10. It is further agreed that the members of the company who move to Grimsby shall reside within the municipality.

11. It is agreed that if the parties of the second part shall at any time during the said period of ten years become bankrupt or insolvent, the amount of unpaid loan shall immediately become due and payable to the said corporation, and the said corporation shall be entitled to a lien or charge on the said buildings, plant and machinery for the said amount, and shall have the right to immediately enter and hold possession thereof until the said amount is paid, or to sell and dispose of the said buildings, plant and machinery in order to realize the said amount which may be due.

In witness whereof, the parties hereto have hereunto set their hands and seals.

Witness:
(Sgd.) JAMES BRODIE.

(Sgd.) WILLIAM MITCHELL,
Reeve.

For the parties of the first part.

Witness:
(Sgd.) NELLIE HICKEY.

(Sgd.) H. D. WALKER,
President.

(Sgd.) T. W. KIRBY,
Secretary.

For the parties of the second part.

CHAPTER 54.

An Act respecting the City of Hamilton.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Corporation of the City of Hamilton has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said City Corporation has asked for authority to issue debentures for an amount not exceeding $80,000, to cover the amount of a floating debt of the said corporation which has arisen from certain over expenditures in connection with certain works duly authorized by the ratepayers, and certain other works and improvements of a necessary and permanent nature, and having shewn the particulars thereof it appears reasonable that authority should be given to cover the said floating debt by the issue of debentures for that purpose to an amount not exceeding $80,000; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures to cover floating debts authorized.

1. The Council of the Corporation of the City of Hamilton may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may be necessary to authorize the issue of debentures to an amount not exceeding $80,000 to cover the floating debt of the said Corporation referred to in the preamble of this Act, the particulars whereof are set forth in Schedule "C" hereinafter contained, and for such purposes to issue debentures of the said Corporation in sums of not less than $100 each, the principal to be payable by annual instalments during the period of twenty years from the time such by-law or by-laws shall take effect, and the interest to be payable half yearly during the currency of such

such debentures at a rate not exceeding four per cent. per annum, and to raise and levy annually by special rate on all the rateable property in the said municipality such sum or sums as may be necessary for payment of said instalments of principal and interest.

13 and 14 Vic., c. 136, s. 34, and 16 Vic., c. 251, s. 4 repealed.

2. Section 34 of an Act of the Parliament of the Province of Canada passed in the Session held in the 13th and 14th years of Her late Majesty's reign, chaptered 136, intituled *An Act to Incorporate The Hamilton Gas-Light Company*, and section 4 of an Act of said Parliament passed in the Session held in the 16th year of Her late Majesty's reign chaptered 251 and intituled *An Act to amend the Act intituled An Act to Incorporate the Hamilton Gas-Light Company*, are repealed.

Restrictions as to laying sewer and gas or water pipes within six feet of pipes of Hamilton Gas Light Co.

3. Where the Hamilton Gas Light Company has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of the municipality no other person or persons, bodies politic or corporate, shall, without the consent of the said company first had and obtained, nor otherwise than upon payment to the said company of such compensation as may be agreed upon, lay down any main sewers or main pipe for the supply of gas or water within six feet of the said company's main pipes, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit, but this restriction shall not apply to the crossing of the company's pipes at street intersections.

SCHEDULE "C."

The following are the particulars referred to in Section 2 of the foregoing Act:—

Expenditures for permanent roadway construction over and above amounts realized from debentures issued therefor.....	$43,000
Purchase of asphalt pavement plant	8,500
Purchase of site for west end sewage disposal works.....	2,300
Expenditure on High Level Reservoir	13,000
Waterworks, completion of third main	5,000
do extension of street mains	8,000
	$79,800

CHAPTER

CHAPTER 55.

An Act respecting the City of Kingston.

Assented to 12th May, 1905.

Preamble.

WHEREAS by an agreement of sale duly executed, the Municipal Corporation of the City of Kingston contracted with the Kingston Light, Heat and Power Company for the purchase of the works and plant of the said company at the price or sum of $170,373 as fixed by arbitration between the said corporation and the said company; and whereas by-law No. 12 (1904) purporting to authorize the Mayor of the said corporation to raise by way of loan upon the credit of the debentures of said corporation as therein mentioned a sum of money not exceeding in the whole the sum of $182,000, for the purpose of paying the said price or sum of $170,373 and certain costs and expenses incidental to said arbitration and to the passage of said by-law, was pursuant to the provisions of *The Municipal Act* in that behalf duly submitted to the ratepayers of said corporation on the 21st. day of March, 1904, and approved by said ratepayers by a vote of 1,397 for the bylaw and 37 against the by-law, and the said by-law was afterwards on the 28th day of March, 1904, finally passed by the council of the said corporation; and whereas there are outstanding debentures issued by the said company to the amount of $99,975, which mature on the First day of May, 1917, and which are secured by a mortgage to two certain trustees upon all the works and property of the said company so contracted to be purchased by the said corporation; and whereas the said corporation has agreed with the said company to complete the purchase of the said works and property and to take over the same subject to the said outstanding debentures of the said company and to the said mortgage securing the same and to assume the burden and obligation of paying the principal of the said debentures when the same shall mature, and the interest accruing upon the same from time to time from the first day of August, 1904, and

to

to pay to the said company the excess of the said purchase price over and above the principal of the said outstanding debentures of said company; and whereas by reason of the premises it is not expedient or necessary to raise by way of loan the whole of the said sum of $182,000 presently as provided by the said by-law No. 12 (1904), but it is expedient to raise presently by way of loan upon the credit of the debentures of the said corporation the sum of $82,000 and to raise a further sum of $100,000 by way of loan upon the credit of the debentures of the said corporation when the said outstanding debentures of the said company shall mature as aforesaid and for the purpose of retiring the same; and whereas the council of the said corporation did by By-law No. 17 (1905), a copy of which is set forth in Schedule "A" hereto, repeal said by-law No. 12 (1904), and make provision for the issue of two several issues of debentures of the said corporation, one for the sum of $82,000 to be made presently and the other for the sum of $100,000, to be made on the First day of May, 1917, but subject to ratification by an Act of the Legislative Assembly of the Province of Ontario ; and whereas the said corporation has by petition prayed for special legislation ratifying and confirming the said By-law No. 17 (1905), of said corporation forming Schedule "A" hereto ; and whereas no objections have been made to such confirmation and ratification; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows ;

By-law No. 17 of 1905 confirmed.

1. The By-law of the Corporation of the City of Kingston set forth in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made as therein provided for the payment thereof are hereby validated and confirmed.

SCHEDULE "A".

BY-LAW No. 17, 1905.

A By-law to authorize the issue of debentures of the City of Kingston in two several issues to the amount of $82,000.00 and $100,000.00 respectively, and to repeal By-law No. 12 (1904).

Passed February 13th, 1905.

Whereas by an agreement of sale duly executed, the Corporation of the City of Kingston contracted with the Kingston Light, Heat and

and Power Company for the purchase of the works and plant of said Company at the price or sum of $170,373.00 as fixed by arbitration between said Corporation and said Company;

And whereas by By-law No. 12 (1904) duly passed by the Council of said Corporation and approved by the ratepayers of said City as required by law, the Mayor of the said Corporation was authorized to raise by way of loan upon the credit of the debentures of said Corporation as therein mentioned, a sum of money not exceeding in the whole, the sum of $182,000.00 for the purpose of paying the said price or sum of $170,373.00 and certain costs and expenses incidental to said arbitration and to the passage of said By-law;

And whereas upon the Corporation's tendering the said price or sum to the said Company and requiring a transfer and conveyance of the works and property by a good and sufficient title, free from encumbrances, as provided by said agreement of sale, it appeared that the debentures of the said Company to the amount of $99,975.00 dated the second day of May, A. D., 1892, and issued on or about said date, were then outstanding bearing interest at the rate of $1.90 upon each debenture of a par value of $77.50 payable half-yearly on the first day of May and November in each year during the currency of the said debentures and that the principal of the said debentures is not payable until the first day of May A. D. 1917, and that the principal and interest of said outstanding debentures are secured by a mortgage dated the eighth day of May A. D. 1894, to two certain trustees upon all the works and property of the said Company so contracted to be purchased by the said Corporation;

And whereas the said Company was and is unable and unwilling to pay off the said outstanding debentures of the said Company and to procure the release of the said mortgage and to convey the said works and property to the said Corporation by the good and sufficient title free from all encumbrances as provided by the said agreement of sale;

And whereas the said Corporation has agreed with the said Company to complete the purchase of the said works and property and to take over the same subject to the said outstanding debentures of the said Company and to the said mortgage securing the same and to assume the burden and obligation of paying the principal of the said debentures when the same shall mature and the interest accruing upon the same from time to time from the first day of August, 1904, and to pay to the said Company the excess of the said purchase price over and above the principal of the said outstanding debentures of said Company;

And whereas the said Corporation has raised by a temporary loan and has paid to the said Company the sum of $70,398.00 being the excess of said purchase money over and above the principal of said outstanding debentures of the said Company and has procured to be executed and delivered a conveyance of the said works and property from the said Company to the said Corporation subject to said outstanding debentures of the said Company and to said mortgage securing the same as aforesaid and has entered into possession of the said works and property;

And whereas by reason of the premises it is not expedient or necessary to raise by way of loan the whole or the said sum of $182,000.00 presently as provided by the said By-law No. 12 (1904) but it is expedient to raise presently by way of loan upon the credit of the debentures of the said Corporation as hereinafter mentioned the sum of $82,000.00 for the purpose of retiring the said temporary loan and paying the said costs and expenses incidental to said arbitration and to the passage of said By-law and to raise a further sum of $100,000.00 by way of loan upon the credit of the debentures of the said Corporation as hereinafter mentioned when the said outstanding debentures of said Company shall mature as aforesaid and for the purpose of retiring the same;

And

And whereas it is expedient to repeal By-law No. 12 (1904) and to substitute the provisions of this By-law in lieu of the provisions of said By-law No. 12 (1904);

PART "I."

Be it therefore enacted by the Council of the Corporation of the City of Kingston, as follows:

1. It shall be lawful for the Mayor of the said Corporation for the purposes aforesaid to raise by way of loan upon the credit of the debenture first hereinafter mentioned from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of the said debentures a sum of money not exceeding in the whole the sum of $82,000.00 and to cause the same to be paid into the hands of the Treasurer of the said Corporation for the purposes aforesaid.

2. It shall be lawful for the Mayor of the said City for the purposes of said loan to cause any number of debentures to be made for such sums of not less than $100 each as may be required and which debentures shall be sealed with the seal of the said municipality and signed by the Mayor and countersigned by the Treasurer thereof and together shall not exceed the said sum of $82,000.00.

3. The said debt of $82,000.00 shall be payable in annual instalments within thirty years from the first day of May, 1905, at the office of the City Treasurer in said City and the said debentures shall have attached to them coupons for the payment of the interest thereon half-yearly as hereinafter provided, which coupons shall be signed by the said Treasurer and said instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of said period and the said debentures shall be issued accordingly.

4. The said debentures shall be dated on the first day of May, 1905, and shall bear interest at the rate of four per cent. per annum from the date thereof, which interest shall be payable half-yearly on the first day of May and November in each year at the office of the said City Treasurer in the City of Kingston.

5. For the payment of the said debt last above mentioned and the interest to become due thereon an annual sum of $4,740.00 shall be raised in each year of the said period of thirty years by a special rate upon all the rateable property in the said municipality.

PART "II."

Be it further enacted by the Council of the Corporation of the City of Kingston, as follows:

1. It shall be lawful for the Mayor and Council of the said Corporation for the purposes aforesaid to raise by way of loan upon the credit of the debentures hereinafter mentioned from any person or persons, body or bodies, corporate, who may be willing to advance the same upon the credit of said debentures a further sum of money not exceeding in the whole the said sum of $100,000.00 and to cause the same to be paid into the hands of the Treasurer of the said Corporation for the purposes aforesaid.

2. It shall be lawful for the Mayor of the said City for the purposes of said loan to cause any number of debentures to be made for such sums of not less than $100 each as may be required and which said debentures shall be sealed with the seal of the said municipality and signed by the Mayor and countersigned by the Treasurer thereof and together shall not exceed the said sum of $100,000.00.

3. The said debt of $100,000.00 shall be payable in annual instalments within thirty years from the first day of May, 1917, at the office of the City Treasurer in said City and the said debentures

tures shall have attached to them coupons for the payment of the interest thereon half-yearly as hereinafter provided which coupons shall be signed by the said Treasurer and said instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of said period and said debentures shall be issued accordingly.

4. The said debentures shall be dated on the first day of May, 1917, and shall be issued within one year after said date and shall bear interest at the rate of four per cent. per annum from the date thereof, which interest shall be payable half-yearly on the first day of May and November in each year at the office of the said City Treasurer in the City of Kingston.

5. For the payment of the said debt last above mentioned and the interest to become due thereon an annual sum of $5,780 shall be raised in each year of the said period of thirty years by a special rate upon all the rateable property in said municipality.

PART "III."

Be it further enacted by the Council of the Corporation of the City of Kingston as follows:

1. By-law No. 12 (1904) is hereby repealed and the provisions of this By-law are substituted in lieu of the provisions of said By-law No. 12 (1904).

2. This By-law shall come in force and take effect upon its being ratified and confirmed by an Act of the Legislative Assembly of the Province of Ontario to be hereafter passed.

(Signed) R. N. F. MCFARLANE,
Mayor. (L.S.)
(Signed) L. W. SHANNON,
City Clerk.

CHAPTER

CHAPTER 56.

An Act respecting the City of London.

Assented to 25th May, 1905.

Preamble

WHEREAS the Corporation of the City of London has by petition, represented that the council of the said corporation, on the Thirty-first day of December, A.D., 1904, passed certain By-laws, Numbers 2,477, 2,479 and 2,480, to levy the cost of the construction of certain local improvements, and for the issue of debentures therefor; that the said council did, on the said Thirty-first day of December, A.D. 1904, pass a By-law No. 2,476, to consolidate the several issues of debentures mentioned in the said first mentioned by-laws; that the said council did, on the Sixteenth day of January, A.D. 1905, pass a By-law No. 2,492, providing for the issue of debentures to the amount of $15,000 for the purpose of erecting a breakwater in London West; that the said council did, on the Seventh day of September, A.D. 1904, pass a By-law, Number 2,444, providing for the construction of a bitulithic pavement, with cement kerb and gutter, on Dundas Street, between Adelaide and Elizabeth Streets, in the said City of London; that the said council did, on the said Seventh day of September, A.D.,1904, pass a By-law, Number 2,445, providing for the construction of a sheet asphalt pavement, with cement kerb and gutter, on Queen's Avenue, between Richmond and Maitland Streets, in the said City of London; that the said council did, on the Fifth day of December, A.D. 1904, pass a By-law Number 2,465, providing for the construction of a vitrified brick pavement, with cement kerb, on King Street, between Wellington and Richmond Streets, in the said City of London; and on the said Fifth day of December, A.D. 1904, did pass a By-law, Number 2,466, providing for the construction of a vitrified brick pavement, with cement kerb, on King Street, between Richmond and Ridout Streets, in the said City of London; and whereas the said corporation has further represented that the said By-laws, Numbers 2,477, 2,479, 2,480, 2,476 and 2,492 should be confirmed, in order that the debentures issued thereunder

under may be more readily and profitably disposed of, and that the other by-laws should also be confirmed; and has prayed that an Act may be passed to confirm the said by-laws and to grant power to the said corporation to purchase and expropriate such lands as the council of the said corporation may, from time to time, deem necessary for the construction of the breakwater in London West, and to pay for the lands so expropriated, and the lands so purchased, out of the proceeds of the said debentures authorized to be issued by said By-law Number 2,492; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws 2477, 2479, 2480 confirmed.

1. The By-laws of the Corporation of the City of London, specified in Schedule "A" hereto, and all debentures issued, or to be issued, thereunder, and all assessments made, or to be made, for payment thereof, are confirmed and declared to be legal, valid and binding.

By-laws 2444, 2445, 2465, 2466 confirmed

2. The By-laws of the Corporation of the City of London, specified in Schedule "B" hereto, are confirmed and declared to be legal, valid and binding.

Power to construct breakwater in London West.

3. The Corporation of the City of London may, and shall have power to design, construct, build, hold and generally maintain, a breakwater in London West, for the protection of the property therein from flooding.

Powers incidental to construction of breakwater.

4. The Corporation of the City of London shall have power to employ engineers, surveyors and such other persons, and to purchase such lands, buildings and privileges, as, in their opinion, may be necessary to enable them to carry out the construction and maintenance of the breakwater in the next preceding section referred to, and to construct and maintain the said breakwater.

Entering on and taking lands for breakwater.

5. It shall and may be lawful for the said corporation, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, body politic or corporate, within the City of London, and to survey, set out and ascertain

ascertain such parts thereof as the said corporation may require for the purposes of the said breakwater and to build, construct and extend the said breakwater, and to contract with the owner or occupier of the said lands, or any part thereof, or of any privilege that may be required for the purposes aforesaid or with the owner or occupier of any lands or privileges which may be injuriously affected by the construction of the said breakwater and, in case of any disagreement between the said corporation and the owners or occupiers of the said lands, or any person having an interest in the said lands, or in such privileges as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such expropriation or the construction of such breakwater shall cause to them, or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: the corporation shall appoint one arbitrator, the owner or owners shall appoint another, and the two arbitrators so chosen shall, within ten days after their appointment, appoint a third arbitrator, but in the event of the said two arbitrators not appointing a third arbitrator within the time aforesaid, the Senior or Junior Judge of the County Court of the County of Middlesex shall, on application by either party, appoint such third arbitrator.

When owners of lands under disability.

6. In case any such owner or occupier shall be an infant, married woman, or insane or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or privilege may be mortgaged or pledged to any person or persons, the said Judge, on application being made to him for that purpose by the corporation, shall nominate and appoint three indifferent persons as arbitrators, and the arbitrators to be appointed, as hereinbefore mentioned, shall award, adjudge, determine and order the respective sums of money which the corporation shall pay the respective persons entitled to receive the same, and the award of the majority of the said arbitrators, in writing, shall be final, and the said arbitrators shall be and they are hereby required to attend at some convenient place in the said city, to be appointed by the said corporation, after eight days' notice given for that purpose by the said corporation, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted for their consideration by the parties interested, and also the costs attending such reference and award, and each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the County of Middlesex, or an alderman of the said city, well and truly to assess the value

value or damages between the parties to the best of his judgment, and the Justices of the Peace or Aldermen before whom the said arbitrators, or any of them, shall be sworn shall give any of the parties requiring the same a certificate to that effect, provided always that any award under this Act shall be subject to be set aside on application to the High Court of Justice in the same manner, and on the same grounds, as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and, in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Payment of compensation into court.

7. If any of the owners or occupiers, or other person interested in any land or privilege entered upon or taken under the provisions of this Act, is an infant, insane or absent from this Province, or if any person interested in the moneys awarded as compensation therefor refuses to, or is unable to execute the proper conveyance, or if, for any other reason, the corporation deem it advisable so to do, the corporation may pay the amount of such compensation, with interest for six months, into the High Court of Justice for the purpose of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, rights and privileges, in respect of which such compensation was awarded, shall be vested in the said corporation, its successors and assigns, and the award shall be deemed the title of the corporation, and may be registered in the proper Registry Office.

Distribution of compensation.

8. A notice in such form, and for such time, as the said Court appoints, shall be inserted in some newspaper published in the city in which the lands are situate, which shall state that the title of the corporation, that is the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudicated upon by the court, and the said proceedings

ings shall forever bar all claims to the said lands, rights or privileges, or any part thereof, including dower, as well as all mortgages and encumbrances upon the same, and the court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice, and according to the provisions of this Act and to law appertain, and the costs of the proceedings, or any part thereof, shall be paid as the court deems it equitable to order.

Refund of balance of amount paid in for interest.

9. If such order of distribution, as aforesaid, is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the corporation.

County Judge's warrant to put corporation in possession.

10. If the corporation show, by affidavit, to the satisfaction of the Senior or Junior Judge of the County Court of the County of Middlesex that immediate possession of the lands or privileges, which are sought to be acquired under the provisions of this Act, is necessary for proceeding with the operations of the corporation, and that the corporation are ready to proceed with such operations forthwith, the said Judge may, upon the corporation giving security to his satisfaction, in such sum as he may think just, to pay or deposit the compensation to be awarded within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the corporation, issue his warrant to the Sheriff of the County of Middlesex, or to a Bailiff, as he may deem most suitable, to put the corporation in possession, and to put down any resistance or opposition to possession being taken, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do.

Lands taken to vest in corporation. What works may be constructed.

11. The lands and privileges which shall be ascertained, set out or appropriated by the said corporation for the purposes thereof, as aforesaid, shall thereupon and forever thereafter be vested in the Corporation of the City of London, and their successors, and it shall and may be lawful for the said corporation, and their successors, to construct, erect and maintain in and upon the said lands all such buildings and works as they may deem requisite for the said breakwater, and for the better effecting the purposes aforesaid the said corporation, and their successors and servants are hereby empowered to enter in, over, upon and through the public ways, streets, lanes, or other passages within the City of London, and in, upon, through and over the

the lands, grounds and premises of any person or persons, bodies politic, corporate or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as the said corporation, or their successors, shall think necessary and proper for the making and maintaining of the said breakwater, or for altering or repairing the same, and from time to time to alter or repair the said breakwater, as well in the position as in the construction thereof, as to the corporation, or their successors, may seem meet, doing as little damage as may be in the exercise of the powers hereby granted to them, and making reasonable and adequate compensation to the proprietors, to be ascertained, in case of disagreement, by arbitration, as aforesaid.

Limitation of actions.

12. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within two years next after the Act complained of is committed.

Corporation not liable for accidents caused by non-repair, etc. of breakwater.

13. The Corporation of the City of London shall not in any way be responsible for any damage or injury which may be sustained or suffered by any person, firm or corporation, by reason of the want of maintenance or repair of the said breakwater, or otherwise in consequence or in respect thereof.

Powers conferred to be in addition to those under 8 Ed. VII, c. 19.

14. Nothing in this Act contained shall interfere with or prevent the exercise by the said municipal council of any of its powers under *The Consolidated Municipal Act, 1903*, and amendments thereto, but the powers by this Act conferred shall be deemed to be additional to such powers, which may be exercised as fully as if this Act had not been passed.

City authorized to pay for coke for bacteria beds out of certain moneys

15. The Corporation of the City of London may, out of the moneys on hand, received by the said corporation from the ten per cent. referred to in section eighteen, of chapter 82 of the Acts of the Legislature of the Province of Ontario, passed in the fifty-ninth year of Her late Majesty's reign, pay for coke for the bacteria beds of the sewerage farm of the said City of London, and for the construction of two additional bacteria beds or septic tanks.

SCHEDULE

SCHEDULE A.

List of By-laws providing for the issue of Debentures, passed by the Council of the City of London, on the thirty-first day of December, A. D. 1904, except Number 2492 passed on the 16th of January, A. D. 1905, the particulars of which are set out below :—

No. of By-law.	Nature of work under By-law.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of Payment.	Rate of Interest.
2477	Cement sidewalks, kerbs and gutters	$40,841 83	$23,566 40	$17,275 43	10	4½
	Cement sidewalks as follows:—					
	On East side of Inkerman Street, between Layard and Nelson Streets	207 61	115 42	92 19		
	On South side Hill Street, between the Hamilton Road and Rectory Street.	363 55	203 69	159 86		
	On East side of Oak Street, between Pine and Trafalgar Streets	569 29	304 49	264 80		
	On North side of Lorne Avenue, between Ontario and English Streets	684 24	382 55	301 69		
	On South side of Piccadilly Street between William and Adelaide Streets	348 46	193 74	154 72		
	On East side of Charlotte Street between Dundas Street and North limit Lot 23	593 24	308 96	284 28		
	On West side of Wellington Street, between Piccadilly and Sydenham Streets	337 26	224 24	113 02		
	On North side of Hill Street, between Maitland and Colborne Streets	359 78	195 70	164 08		
	On North side of South Street, between Adelaide and William Streets	252 53	132 13	120 40		
	On West side of Wellington Street, between St. James and Grosvenor Streets	368 98	222 99	145 99		

On

On East side of Wharncliffe Road, between Askin Street and Byron Avenue	170 67	129 61	41 06
On East side of Richmond Street, between St. James and Grosvenor Streets	435 51	251 42	184 09
On South side of York Street, between Burwell and Maitland Streets	203 31	116 46	86 85
On East side of Ontario Street, between Dundas and King Streets	240 62	150 78	89 84
On East side of Maitland Street, between Dundas Street and Queen's avenue	241 07	151 60	89 47
On south side of Dufferin Avenue, between William and Adelaide Streets	412 55	235 02	177 53
On north side of Cheapside Street, between Wellington and Richmond Streets	275 26	164 93	110 33
On south side of York Street, between Talbot and Ridout Streets	278 61	144 63	133 98
On west side of Cathcart Street, between Bruce Street and Elmwood Avenue	261 55	167 36	94 19
On west side of Rectory Street, between York Street and The Grand Trunk Railway	290 03	176 27	113 76
On south side of Central Avenue, between Colborne and Waterloo Streets	422 22	247 49	174 73
On north side of Lorne Avenue, between Elizabeth and English Streets	345 36	195 61	149 75
On east side of Wortley Road, between Bruce Street and Elmwood Avenue	378 22	197 11	181 11
On west side of Wellington Street, between York and Horton Streets	595 88	335 31	260 57
On west side of Wharncliffe Road, between Oxford and Paul Streets	511 87	268 88	242 99
On north side of Horton Street, between Waterloo and Colborne Streets	354 05	194 12	159 93

No. of By-law.	Nature of work under By-law.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by rate-payers.	Period of Payment.	Rate of Interest.
	On south side of Pine Street, between Egerton and Oak Streets	238 23	126 27	111 96		
	On south side of Central Avenue, between Adelaide and English Streets	656 39	365 18	291 21		
	On east side of Adelaide Street, between Elias Street and Dufferin Avenue	513 07	279 18	233 89		
	On East side of Adelaide Street, between Rattle and Oxford Streets	513 65	271 31	242 34		
	On east side of Richmond Street, between Sydenham and St. James Streets	234 88	139 94	94 94		
	On north side of Hill Street, between Clarence and Wellington Streets	274 58	160 27	114 31		
	On south side of Oxford Street, between Talbot and St. George Streets	289 73	168 17	121 56		
	On south side of Dundas Street, commencing 291 feet east of Ontario Street, thence easterly 165 feet	313 58	313 58			
	On south side of Garfield Street, between Wortley Road and Ridout Street	448 18	250 84	197 34		
	On west side of Adelaide Street, between Pall Mall and Piccadilly Streets	353 12	212 23	140 89		
	On east side of Waterloo Street, between Simcoe and Horton Streets	185 19	118 31	66 88		
	On south side of Blackfriar's Street, between Wilson Avenue and Albion Street	153 58	79 53	74 05		
	On north side of York Street, between Thames and Ridout Streets	337 15	174 78	162 37		
	On south side of Briscoe Street, between Wharncliffe Road and Edward Street	480 78	256 22	224 56		
	On west side of High street, between Emery and Chester Streets	237 35	124 14	113 21		

On

On south side of Bruce Street, between Wortley Road and Ridout Streets	479 79	283 57	196 22
On north side of Kent Street, between Talbot and Ridout Streets	192 39	127 24	65 15
On north side of Horton Street, between Maitland and Colborne Streets	355 94	205 94	150 00
On east side of Sackville Street, between Hamilton Road and Hackett Street	235 41	149 39	86 02
On south side of Van Street, between Rectory Street and Chelsea Avenue	364 85	200 90	163 95
On west side of Lyle Street, between Dundas and King Streets	226 14	136 57	89 57
On north side of Princess Avenue, between Wellington and Colborne Streets	868 41	572 58	295 83
On west side of Rectory Street, between Grey and Simcoe Streets	205 17	121 17	84 00
On west side of William Street, between Piccadilly and Oxford Streets	224 52	134 87	89 65
On north side of Stedwell Street, between Chelsea Avenue and Rectory Street	373 68	211 63	162 05
On north side of the Market Square, between Talbot Street and the City Hall	407 34	211 34	196 00
On east side of Richmond Street, between Oxford and Piccadilly Streets	216 80	140 64	76 16
On north side of Kenneth Avenue, between Waterloo Street and the west end of Kenneth Avenue	145 29	91 99	53 30
On south side of Emery Street, between High and Ridout Streets	982 41	516 87	465 54
On west side of Wortley Road, between Briscoe and Langarth Streets	205 66	158 22	47 44
On north side of Oxford Street, between Oxford Street Bridge and Wharncliffe Road	360 17	197 66	162 51

On

No. of By-law.	Nature of work under By-law.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by rate-payers.	Period of Payment.	Rate Interest.
On	south side of Oxford Street, between Talbot Street and Oxford Street Bridge	459 04	331 24	127 80		
On	north side of Hill Street, between Hamilton Road and Rectory Street	400 61	236 36	164 25		
On	east side of Quebec Street, between Dundas and Elias Streets	864 73	457 35	407 38		
On	north side of Princess Avenue, between Ontario and Quebec Streets	417 43	231 43	186 00		
On	west side of Charlotte Street, between Dundas Street and the north limit of Lot 23	504 97	309 97	285 00		
On	east side of Ontario Street, between Elias Street and a point 350 feet northerly	142 94	82 49	60 45		
On	north side of Van Street, between Chelsea Avenue and Rectory Street	356 35	192 47	163 88		
On	north side of Simcoe Street, between Richmond and Wellington Streets.	547 56	358 52	189 04		
On	north side of the Pipe Line Road, between Oxford Street and Wharncliffe Road	192 41	109 23	83 18		
On	west side of Richmond Street, between Oxford and St. James Streets	446 09	269 14	176 95		
On	east side of Wharncliffe Road, between Empress Avenue and Blackfriar's Street	225 85	150 95	74 90		
On	east side of Wilson Avenue, between Dundas Street and Cherry Avenue	556 85	302 47	254 38		
On	east side of Colborne Street, between Hill Street and Grey Street	202 76	129 40	73 36		
On	north side of York Street, between Burwell Street and William Street	565 30	304 47	260 83		
On	north side of Dame Street, between Chelsea Avenue and					

Egerton Street			
On south side of Dame Street, between Sackville Street and Egerton Street	476 00	266 91	209 09
On north side of Campbell Street, between Rectory Street and the Fair Grounds	273 56	153 37	120 19
On east side of Maitland Street, between Oxford and St. James streets	230 59	134 11	96 48
On north side of Piccadilly Street, between Wellington and Waterloo Streets	340 32	202 54	137 78
On south side of St. James Street, between Waterloo and Colborne Streets	432 53	251 38	181 15
On south side of Elias Street, between Ontario and Quebec Streets	352 84	226 66	126 18
On east side of Ontario Street, between Dundas Street and Queen's Avenue	427 67	247 83	179 84
On east side of Park Avenue, between Dundas Street and Queen's Avenue	207 07	119 18	87 89
On south side of Hamilton Road, between Rectory Street and Anderson Avenue	192 73	113 69	79 04
On south side of Frances Street, between Egerton and Ethel Streets	128 77	66 73	62 04
On south side of Duchess Avenue, between Cathcart and Dean Streets	323 34	175 63	147 71
On south side of Forward Avenue, between Guelph Street and the City limits	189 69	112 95	76 47
On east side of Redan Street, between Hamilton Road and a point 240 feet south of Hamilton Road	531 79	266 85	264 94
On south side of Grand Avenue, between High Street and a point 1550 feet west of High Street	96 44	57 44	39 00
On north side of Hamilton Road, between Adelaide and Hill Streets	749 28	389 03	360 25
On east side of Maitland Street, between Grand Trunk Railway and Hamilton Road	536 90	292 71	244 19
	113 18	60 32	52 86

No. of By-law.	Nature of work under By-law.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by rate-payers.	Period of Payment.	Rate of Interest.
	On east side of Burwell Street, between York and Bathurst Streets.....	115 50	62 96	52 54		
	On south side of Horton Street, between Adelaide Street and Hamilton Road...	481 83	285 66	196 17		
	On east side of Egerton Street, between north limit of Grand Trunk Railway and Pine Street.....	319 99	192 82	127 17		
	On west side of Talbot Street, between York and Bathurst Streets...	234 85	137 27	97 58		
	An additional four feet three inches to a Mosaic cement sidewalk on the north side of Dundas Street, between Wellington and Waterloo Streets.....	291 53	160 84	130 69		
	A cement walk and kerb on the south side of Hyman Street, between Wellington and Waterloo Streets...	539 78	323 40	216 38		
	A cement walk and kerb on the north side of Hyman Street, between Welington and Waterloo Streets.....	539 97	326 33	213 64		
	A cement gutter on the north and south sides of Hyman Streets, between Richmond and Wellington Streets.....	276 64	158 55	118 09		
	A cement kerb on the north and south sides of Hyman Streets, between Richmond and Wellington Streets.....	296 34	169 84	126 50		
	Cement kerbs and gutters as follows :—					
	On east and west sides of Hellmuth Avenue, between St. James and Grosvenor Streets.....	732 70	394 33	338 37		
	On east and west sides of College Street, between St. James and Oxford Streets.....	752 20	429 19	323 01		

Cement sidewalk with kerb and gutter as follows :—					
On south side of Maryboro Place, between Wellington and High Streets...	412 75	238 29	174 46		
On north side of Maryboro Place, between High Street and Wellington Road.....	401 03	204 78	196 25		
Cement kerb and gutter as follows :—					
On east side of Richmond Street, between Sydenham Street and St. James Street	190 20	111 35	78 85		
On north side of Becher Street, between King Street Bridge and the Ridgeway.....	328 91	171 47	157 44		
On east and west sides of Maitland Street, between Dufferin and Princess Avenues.....	515 31	269 42	245 89		
On north and south sides of Albert Street, between Ridout and Talbot Streets.....	426 02	262 93	163 09		
On north and south sides of Princess Avenue, between Prospect Avenue and William Street.....	683 27	439 94	243 33		
On south side of John Street, between Talbot and St. George Streets.....	287 70	167 01	120 69		
On north side of John Street, between Talbot and St. George Streets...	302 49	172 49	130 00		
On east and west sides of William Street, between Princess and Dufferin Avenues.....	562 08	373 67	188 41		
2479 Tile sewers as follows :—	30,278 64	7,151 94	23,126 70	10	4½
In Ontario Street, between Lorne Avenue and Elias Street..	1,505 87	282 45	1,223 42		
In Adelaide Street, between Central Avenue and Princess Avenue.....	1,159 19	103 53	1,055 66		
In Central Avenue, between Waterloo and Colborne Streets...	1,143 52	279 44	864 08		

In

No. of By-law.	Nature of work under By-law.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by rate-payers.	Period of Payment.	Rate of Interest.
In	Victoria Street, between the Wharncliffe Road and a point 50 feet west of the easterly limit of Victoria Street.....	1,335 66	159 37	1,176 29		
In	Central Avenue, between William and Adelaide Streets...	1,372 18	247 48	1,124 70		
In	Queen's Avenue, between a point opposite the easterly limit of Lot No. Eleven, Block "L", Plan 304, and a point opposite the westerly limit of Lot No. 18, Block "B", Plan 212, and in Elizabeth Street, between Queen's Avenue and Lorne Avenue.....	3,361 94	378 76	2,983 18		
In	Adelaide Street, between King Street and a point 100 feet south of Dundas Street.....	544 00	193 39	350 61		
In	Richmond Street, between Oxford and Grosvenor Streets.....	2,996 61	358 88	2,637 62		
In	St. George Street, between Ann and Oxford Streets, and					
In	Oxford Street, between St. George and Talbot Streets, and	4,002 06	2,122 18	1,879 88		
In	Talbot Street, between Oxford and St. James Streets...	1,628 49	619 12	1,009 37		
In	Queen's Avenue, between Richmond Street and Park Avenue.....	208 25		208 25		
In	William Street, between King Street and the Grand Trunk Railway Company's tracks.....					
In	Nelson Street, between Maitland Street and Colborne Street, and	2,275 43	531 23	1,744 20		
In	Colborne Street, between Nelson and South Streets.....	588 14	213 87	374 27		
In	Lorne Avenue from a point 528 feet east of Ontario Street, thence easterly 267 feet.....	1,451 60	253 36	1,198 24		
In	Maitland Street, between St. James and Grosvenor Streets...	999 48	259 87	730 61		
In	Bathurst Street between Wellington and Clarence Avenue					
In	High Street between Maryboro Place and Tecumseh					

SCHEDULE

	Avenue and in Tecumseh, Avenue between High Street and a point 628 feet west of High Street.....	1,788 22	514 44	1,273 78		
	In Queen's Avenue, between English and Ontario Streets...	2,148 15	229 86	1,918 29		
	In Colborne Street, between Grosvenor and Cheapside Streets...	1,455 63	264 66	1,190 97		
	In Oxford Street, between Waterloo Street and a point 230 feet easterly therefrom.....	314 22	139 94	174 28		
2480	An asphalt block pavement on Wellington Street, between Dundas Street and the Grand Trunk Railway Company's tracks.....	16,314 79	6,599 99	9,714 80	10	4½
2476	Consolidating the several issues of debentures referred to in said By-laws Nos. 2477, 2479 and 2480, and providing for raising by debentures the City's share of the cost of the above improvements, which is to be raised by special rate.....	87,435 26	37,318 33	50,116 93	10	4½
2492	Providing for the issue of debentures to the amount of $15,000.00 for the purpose of erecting a breakwater in London West, passed on the Sixteenth day of January, A.D. 1905.....	15,000 00	15,000 00		20	4

SCHEDULE "B".

By-law No. 2444. Providing for the construction of a Bitulithic pavement, with cement kerb and gutter, on Dundas Street, between Adelaide and Elizabeth Streets, passed on the seventh day of September, A.D. 1904.

By-law No. 2445. Providing for the construction of a sheet asphalt pavement, with cement kerb and gutter, on Queen's Avenue, between Richmond and Maitland Streets, passed on the seventh day of September, A.D. 1904.

By-law No. 2465. Providing for the construction of a vitrified brick pavement, with cement kerb, on King Street, between Wellington and Richmond Streets, passed on the fifth day of December, A.D. 1904.

By-law No. 2466. Providing for the construction of a vitrified brick pavement, with cement kerb, on King Street, between Richmond and Ridout Streets, passed on the fifth day of December, A.D. 1904.

CHAPTER 57.

An Act to consolidate the Floating Debt of the Town of Meaford.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Municipal Corporation of the town of Meaford has by its petition represented that the said corporation has incurred a floating debt of about $10,318.41, in addition to the ordinary expenses of the said town, $4,362.89 of the said debt having been incurred by the said corporation in the purchase of lands required for the extension of the Grand Trunk Railway to Meaford Harbour, the original sum estimated and provided therefor under Chapter 77 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria not having been sufficient to cover the cost and legal expenses in connection therewith; $3,165.52 for extension of waterworks mains for supplying water to factory premises and inhabitants; $2,150.00 for grading the principal streets of the town and for other permanent improvements rendered necessary by the growth of the said town, and $640 for the purchase of land for a Park; that no funds have been provided for the payment of any part of the said debt; that the amount of the whole rateable property of the said town according to the last revised assessment roll is $651,630 (exclusive of property assessed at $121,700 liable for school purposes only) and the existing debenture debt is $120,397.40; and whereas the said corporation has further represented that to liquidate the said floating debt forthwith in addition to meeting the ordinary necessary annual expenses would be unduly oppressive to the ratepayers; and whereas it has been made to appear that the members of the council of the said corporation are unanimously in favor of the consolidation of the said debt; and whereas the said corporation by its said petition has prayed that the said floating debt may be consolidated and that the said corporation may issue debentures for the amount thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Debt consolidated and debentures for $10,000 authorized.

1. The said floating debt of the said corporation of the Town of Meaford is consolidated at the sum of $10,000, and it shall and may be lawful for the said corporation to raise by way of loan on the credit of the debentures to be issued under the authority of this Act from any person or persons or body corporate the said sum of $10,000.

Issue of debentures.

2. It shall be lawful for the said corporation to pass a By-law or By-laws providing for the issue of debentures under their corporate seal signed by the Mayor and countersigned by the Treasurer for the time being, in such sums, not less than $100 and not exceeding in the aggregate $10,000, and payable at such places as the corporation may deem expedient.

Payment of debentures and interest.

3. A portion of the said debentures to be issued under this Act shall be made payable in each year, for a period not exceeding twenty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Coupons shall be attached to the said debentures for the payment of interest thereon and the said interest shall be payable at such rate not exceeding four-and-one-half per cent. per annum as the said corporation shall direct and shall be payable yearly.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation to the redemption of the said floating debt of $10,000 and in no other manner and for no other purpose whatsoever.

Assent of electors not required.

5. It shall not be necessary to obtain the assent of the electors of the Town of Meaford to the passing of any By-law or By-laws which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*; and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the By-law or By-laws to be passed by the said corporation under the provisions of this Act.

3 Edw. VII., c. 19.

6.

Irregularities in form not to invalidate.

6. No irregularity in the form of the said debentures or any of them, or of any By-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such By-law or issuing debentures, or as to the application of the proceeds thereof.

By-law not to be repealed until debt satisfied.

7. Any By-law to be passed under the provisions of this Act shall not be repealed until the debt created under such By-law and interest thereon be fully paid and satisfied.

Special rate.

8. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate"; and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Treasurer to keep proper books of account.

9. It shall be the duty of the Treasurer for the time being, of the said Town, to keep, and it shall be the duty of each of the members from time to time of the said municipal Council to procure such Treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Indebtedness of town not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Meaford from any indebtedness or liability which may not be included in the said debt of the said Town of Meaford.

Form of debentures.

11. The debentures issued under this Act may be in the form contained in Schedule A to this Act and the By-law or By-laws authorizing the same may be in the form of Schedule B to this Act.

Short title.

12. This Act may be cited as *"The Town of Meaford Debenture Act, 1905"*.

SCHEDULE "A".

(Section 11.)

DEBENTURE.

Province of Ontario, Town of Meaford.
No.

Under and by virtue of the Town of Meaford Debenture Act, 1905, and By-law No. ..... of the Corporation of the Town of Meaford passed under the provisions contained in the said Act, the Corporation of the said Town of Meaford promises to pay the bearer at in the the sum of on the day of A. D. 19 , and the yearly coupons hereto attached as the same shall severally become due.

Dated at the Town of Meaford in the County of Grey, this day of A. D., 19 .

Mayor. *Treasurer.*

SCHEDULE B.

(Section 11.)

By-law No. . To authorize the issue of Debentures under the authority of the Town of Meaford Debenture Act, 1905.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding $10,000 in the whole as the Corporation of the Town of Meaford may in pursuance of, and in conformity with the provisions of the said Act direct;

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of $10,000 payable in years from the date thereof with interest thereon at the rate of per cent. per annum payable yearly according to the coupons attached to the said debentures;

And whereas the amount of the whole rateable property of the said Town of Meaford according to the last revised Assessment Roll of the said Town being for the year was $;

Therefore the municipal corporation of the Town of Meaford enacts as follows:—

(1) Debentures under the said Act, and for the purposes mentioned therein to the extent of $10,000 are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons attached thereto for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This By-law passed in open council this day of in the year of our Lord 19 .

CHAPTER 58.

An Act respecting the Town of Midland.

Assented to 25th May, 1905.

Preamble. WHEREAS the Municipal Corporation of the Town of Midland has by petition represented that there is an outstanding floating indebtedness amounting to the sum of $10,000 which said indebtedness has been accumulating for a number of years, about one-half of the said sum having been expended for permanent improvements in connection with the waterworks plant and the balance for permanent improvements in connection with the electric light plant of the said town; and that the said municipality is unable to pay the said amount otherwise than by the issue of debentures of the said sum of $10,000 payable in equal annual amounts of $613.91 in each year for a period of 30 years from the issue thereof; and whereas the municipal council of the said town has petitioned, praying, that an Act be passed to confirm and legalize a by-law of the municipality to authorize the municipal corporation to issue debentures to the amount of $10,000 for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No. 589 of Town of Midland confirmed. 1. By-law No. 589 of the Municipal Corporation of the Town of Midland, set forth in the Schedule to this Act, and the debentures which may be issued under or in pursuance of the provisions of the said by-law are ratified and confirmed, and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law or to issue the said debentures and notwithstanding any defect in substance or in form of the said by-law or debentures or in the manner of passing or issuing the same; and the Corporation of the Town

Town of Midland is authorized and empowered to issue debentures as authorized by the said by-law; and the said debentures so issued under the said by-law are declared legal and binding upon the said municipality; and the said corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said By-law No. 589.

SCHEDULE A.

BY-LAW NO. 589 OF THE CORPORATION OF THE TOWN OF MIDLAND.

A By-Law to authorize the Municipal Corporation of the Town of Midland to issue debentures to the amount of $10,000 for the purpose of paying off the present floating indebtedness thereof.

Whereas the said Municipality has an outstanding, floating indebtedness amounting to the sum of $10,000, which indebtedness has been accumulating for a number of years, and is represented by an overdraft in the Bank of British North America.

And whereas the said Bank of British North America are pressing for payment of the said sum of $10,000.

And whereas the said Municipality is altogether unable at the present time to pay the said debt.

And whereas it is desired to raise the said sum of $10,000.00 by the issue of debentures of the said Municipality and to spread the repayment thereof over a period of thirty (30) years.

And whereas in order to raise the said sum of $10,000 it will be necessary to issue debentures of the said Municipality for the sum of $10,000 as hereinafter provided, which is the amount of the debt intended to be created hereby, the proceeds of the said debentures to be applied to the purpose aforesaid, and to no other purpose.

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of thirty years, being the currency of the said debentures; the said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period of thirty years.

And whereas the total amount required by the Municipal Act to be raised annually by special rate for paying the said debt and interest as hereinafter provided is $613.91.

And whereas the whole amount of the whole ratable property of the Town of Midland according to the last revised assessment roll thereof is the sum of $960,440.00.

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Midland is $242,030.13, whereof no part of either principal or interest is in arrears.

Therefore the Municipal Council of the Town of Midland enacts as follows:—

1. That for the purpose of raising the sum of $10,000 debentures of the said Town of Midland amounting to the sum of $10,000.00 as aforesaid in the sums of $613.91 each shall be issued on the 15th day of June, A.D. 1905, payable one each on the 15th day of June in the years A.D. 1906 to 1935, inclusive, at the office of the Treasurer of the Town of Midland, without interest, the interest on the said loan calculated at the rate of 4½ per cent. per annum being already included in the amount of the said debentures.

2. It shall be lawful for the Mayor of the said Municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

3. That during the currency of the said debentures there shall be raised annually by special rate on all the ratable property of the Town of Midland the sum of $613.91 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

4. This By-Law shall not come into force or be of any effect whatsoever until after the Municipal Council of the Town of Midland shall have been empowered and authorized to pass the same and until the said By-Law shall have been declared valid and binding upon the said Municipality by an Act of the Legislative Assembly of the Province of Ontario.

5. Subject to the provisions of the 4th paragraph hereof this By-Law shall take effect, on, from and after the day upon which any Act of the said Legislative Assembly declaring this By-Law valid and binding upon the said Municipality shall come into force.

Dated this 16th day of March A.D. 1905.

(Sgd.) D. L. WHITE, JR.,
Mayor.

(Sgd.) THOS. TRUEMAN,
Clerk.

CHAPTER

CHAPTER 59.

An Act to authorize the Village of Morrisburg to acquire water-power, to confirm By-Laws Nos. 270 and 271 and to consolidate the debt of the said Village.

Assented to 25th May, 1905.

Preamble.

WHEREAS the municipal corporation of the Village of Morrisburg has, by petition, shown that the existing debenture debt of the said village amounts in all to $72,625.45, made up as follows: $15,401.66 for portion of the cost of water works system and plant, maturing in the year 1916; $4,226.35, balance of cost of water works system and plant, maturing in the year 1917; $1,604.88 for portion of purchase of site and the erection of collegiate institute buildings, maturing in the year 1908; $3,510.64, balance of cost of collegiate institute buildings, and for general purposes, maturing in the year 1911; $35,360.00 for portion of the cost of electric light system and plant, maturing in the year 1930; $10,681.20, balance of cost of electric light system and plant, maturing in the year 1931; $830.97 for portion of the share of the said village of the cost of the Casselman-Dawley drain, maturing in the year 1913; and $1,009.75, balance of share of said village of cost of the Casselman-Dawley drain, maturing in the year 1911; that in addition to the said debenture debt the said corporation has contracted a floating indebtedness amounting in all to $8,047.81, which includes $651.95 for accounts passed but not paid; $1,300.86, balance due Board of Education for teachers' salaries; $5,650 due The Molsons Bank on notes for cost of granolithic pavement; and $445, balance due the Dominion Government for rent of water power for the electric light system; that the value of the whole rateable property of the said village, according to the last revised assessment roll, is $536,300, and the tax rate imposed for the year 1904 was for general purposes twelve and ten one-hundredths mills on the dollar, and for

for school purposes nine and ninety one-hundredths mills on the dollar; that to pay the said floating indebtedness out of the annual rates and to raise the sum required annually to meet the principal and interest falling due on account of the existing debenture indebtedness, and also on account of the debentures which may be issued under by-law No. 271 hereinafter referred to, would cause the annual tax rate to exceed two cents on the dollar, exclusive of school rates, and would be unduly oppressive to the ratepayers of the said village; that the improvements in respect of which the said debts have been incurred are all of a necessary and permanent character; and whereas the said municipal corporation has, by its petition, prayed that an Act may be passed consolidating the said floating indebtedness and the existing debenture debt, and to authorize the said corporation of the said village to issue debentures from time to time therefor; and whereas by the said petition the said corporation has also prayed that the said Act may authorize it to contract with the Government of the Dominion of Canada for a lease of certain water power in the Rapide Plat Canal, may confirm by-laws Nos. 270 and 271 of the said village, may authorize the issue and sale of debentures thereunder, and may validate the debentures to be issued under such by-laws, which by-laws have been duly submitted to and have received the assent of the ratepayers of said village qualified to vote thereon, the total number of ratepayers entitled to vote as aforesaid being two hundred and seventy, of whom one hundred and ninety-five voted for and fifteen voted against said by-law No. 270, and one hundred and ninety-four voted for and sixteen voted against said by-law No. 271, and which by-laws were finally passed by the council of the said village on the 10th day of April, 1905, and the same are fully set forth in Schedules A and B, respectively, to this Act; and whereas no objection has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition

Therefor, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authorized to enter into contract and lease with Government of the Dominion of Canada for water-power.

1. It shall be lawful for the Corporation of the Village of Morrisburg aforesaid, and the said Corporation is hereby authorized and empowered to contract with the Government of the Dominion of Canada for a lease of surplus water in the Rapide Plat Canal to the extent of 1,100 horse-power upon such terms and conditions as the said Government

Government will grant, and said lease and contract when entered into shall be, and is hereby, declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the said lease and contract.

By-laws Nos. 270 and 271 of the Village of Morrisburg confirmed.

2. Subject to the provisions of section 17 of this Act by-laws Nos. 270 and 271 of the Municipal Corporation of the Village of Morrisburg set forth in Schedules "A" and "B" to this Act are confirmed and declared legal, valid and binding upon the said Municipal Corporation, and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-laws or in the manner of passing the same or otherwise; and the Corporation of the Village of Morrisburg is authorized and empowered to issue debentures as provided by the said by-laws; and the debentures so to be issued under the said by-laws are declared to be valid and binding upon the said Municipality, and the said Corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said by-laws Nos. 270 and 271, and the issue and sale of debentures thereunder.

Debt consolidated and debentures for $80,673.26 authorized.

3. It shall be lawful for the Corporation of the Village of Morrisburg aforesaid to raise by way of loan on the credit of the debentures to be issued under the authority of this Act, from any person or persons, or body corporate, a sufficient sum or sums to retire the said existing debenture and floating debt in all amounting to $80,673.26, exclusive of interest thereon.

Issue of debentures.

4. It shall be lawful for the said Corporation from time to time to pass a by-law or by-laws providing for the issue of debentures under the corporate seal, signed by the Reeve and countersigned by the Treasurer for the time being, in such sums not less than $100 each and not exceeding in the aggregate $80,673.26, and payable at such places as the Corporation may deem expedient.

Corporation to sell or borrow on debentures.

5. The said Corporation may for the purpose herein mentioned raise money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as may be deemed expedient.

Payment of debentures and interest.

6. The said debentures shall be payable in not more than forty years from the issue thereof as the said Corporation may direct; and such debentures may bear interest at any rate not exceeding four and one-half per cent. per annum.

7.

Term of debenture.

7. Any debt incurred under the authority of this Act shall be payable in forty years at furthest from the date of the passing hereof, and shall be payable in equal annual instalments including principal and interest, in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal as nearly as may be to what is payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged.

Special rate.

8. The said Corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "Consolidated Debenture Rate"; and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

9. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in the redemption of the debentures of the Village of Morrisburg to the amount of $80,673.26, and in no other manner and for no other purposes whatsoever; and such debentures may be known as the "Consolidated Debt Debentures."

Retirement of outstanding debentures.

10. The treasurer of the said Village shall on receiving instructions from the Council so to do from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures; and shall discharge the same with the funds raised under the preceding sections of this Act; or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said Council and the holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

11. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

12. It shall not be necessary to obtain the assent of the electors of the said Village of Morrisburg to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*. 3 Edw. VII c. 19.

Treasurer to keep proper books of account.

13. It shall be the duty of the treasurer for the time being of the said Village to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council,

council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said Village, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby confered or any of such debentures.

Indebtedness of Village not discharged.

14. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Village of Morrisburg from any indebtedness or liability which may not be included in the said debt of the said Village of Morrisburg.

Form of debentures

15. The said debentures issued under this Act may be in the form contained in Schedule C to this Act; and the by-laws authorizing the same may be in the form of Schedule D to said Act.

Inconsistent enactments not to apply.

16. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Debentures for $76,100 authorized to be issued under by-law 271.

17. Notwithstanding anything contained in paragraph numbered 1 of the said by-law 271 the municipal council of the said Village of Morrisburg for the purpose of raising the sum of $76,100, mentioned in the said paragraph, may issue debentures to the said amount in sums of not less than $100 each at any time after the passing of this Act, and during the currency of the said debentures the

the sum of $4,132.23 shall be raised, levied and collected in each and every year for the purpose of discharging the debt to be incurred under the said by-law in equal annual instalments of principal and interest.

Short title. 18. This Act may be cited as *The Village of Morrisburg Debenture and Water Power Act 1905*.

SCHEDULE "A."

BY-LAW NO. 270

A by-law of the Corporation of the Village of Morrisburg to grant $2,250.00 towards the purchase of lands, free power, water, light, right-of-way and exemption from taxation (except for school purposes), under certain conditions, to J. Wesley Allison.

Whereas J. Wesley Allison proposes establishing a factory or factories in the Village of Morrisburg for the purpose of manufacturing tin-plate, sheet-steel and Canada-plate and for other manufacturing purposes, and it is to the interest of the said village in order to induce him to establish such business or businesses and to assist in carrying it or them on to grant him $2,250 towards the purchase of lands in fee simple and for a term of years free power, water, light, right-of way, and exemption from taxation (except for school purposes), under certain conditions.

And whereas in order to supply the requisite electrical power it will be necessary for the said corporation to obtain a lease of sufficient surplus water on the Rapide Plat Canal from the Government of the Dominion of Canada and erect a power-house, plant and equipment to develop the same, for which purpose a by-law number 271 is being submitted for the assent of the ratepayers of the said village qualified by law to vote on the same contemporaneously herewith, the debt created by such by-law and the existing debt of the said village may have to be consolidated and extended over a period of years by Act of the Legislative Assembly of the Province of Ontario.

And whereas this by-law number 270 shall be subject to the obtaining of the said lease from the Government of the Dominion of Canada, the final passing of by-law number 271 and the consolidation and extension of the said debt by Act of Parliament.

It is hereby enacted a by-law of the Corporation of the Village of Morrisburg, that there shall be granted and paid to J. Wesley Allison the sum of $2,250 in cash towards the purchase of suitable lands, in fee simple, for a building site for the said factory or factories, within the limits of the said corporation, as hereinafter provided, and there shall be granted and supplied to him free of charge, for a term of ten years with the right to renew said term for a further term of ten years provided the council of the said corporation for the time being sees fit to grant such renewal, electrical power to the amount or extent of seven hundred developed horse-power each and every day during said period of ten years to be used in carrying on the said manufacturing business or businesses, together with incandescent electric-light sufficient for the requirements of the said business or businesses, whatever water from the said corporation's water works system may be required for the said business or businesses, not including use for power purposes, and a right-of-way over the centre of its streets, except Main street or King's Highway, for a single-track railway from the said factory or factories to the Grand Trunk Railway and to the river front, and also that for the said term of ten years all the property of the said business or businesses whenever and however acquired, except such as shall be used for residences, shall

be exempt from all municipal taxation, except for school purposes, all under and subject to the following terms, provisions and conditions, namely:—

1. The said J. Wesley Allison shall purchase whatever extra or additional lands may be requisite for the said business or businesses, within the limits of the said corporation, over and above what may be purchased with the $2,250 granted by the said corporation for that purpose and shall build a factory or factories and shall establish and fully equip therein an eight mill plant, at a cost for building and machinery alone of not less than $300,000, for the purpose of manufacturing tin-plate, sheet-steel and Canada-plate and for other manufacturing purposes as aforesaid, and shall be ready to commence manufacturing, as aforesaid, in his said factory or factories within twelve months after the final passing of this by-law unless prevented by unavoidable causes over which he has no control, and in such case within a reasonable time thereafter.

2. When the said J. Welsley Allison has purchased the necessary lands for the said business or businesses, within the limits of the said Corporation, and erected the said factory or factories thereon and fully equipped therein the said eight mill plant the said corporation shall pay over to him the said $2,250 granted to him as aforesaid. When the said plant is ready to commence such manufacture the said corporation shall commence to supply power, water and light as aforesaid at said factory, but shall have the same time and conditions to do this as is granted in clause 1 hereof to the said J. Wesley Allison to commence manufacturing, and the said period of ten years shall be computed from that time.

3. The said corporation shall install any necessary transformers and carry the wires to the outside of the said buildings so as to deliver such power there, also the electric light wires shall be carried and the water conveyed to the outside of the said buildings.

4. The said corporation shall grant to the said J. Wesley Allison a right-of-way over the centre of any of its streets, except Main street or King's Highway, for a single-track railway from the said factory or factories to the river front and to the Grand Trunk Railway and the right to cross the said Main Street or King's Highway with the said single-track railway at such point as shall be necessary to continue the said railway to the said river front. That during the course of construction of the said single track railway by the said J. Wesley Allison, he shall take all necessary precautions for protecting the public from accidents, and have the said track properly guarded and lighted at night so as to prevent any person or persons from sustaining any accident during the course of construction of the said railway. And that during the course of construction of the said railway the said J. Wesley Allison agrees, and does hereby agree, to indemnify and save harmless the said corporation from any accidents that may happen by reason of the said railway being constructed, and that he shall be liable for any negligence of himself or any of his workmen in performing the said work, as the said work is entirely under his sole control and management.

5. The said J. Wesley Allison shall have power to assign, transfer or grant the said lands, power, water, light and right-of-way without the consent of the council of the said corporation for the time being, but subject to all the terms, provisions and conditions of paragraph eight hereof, and subject also to the terms and conditions of this by-law.

6. The said grant of power, water and light shall be subject to all provisions of the corporation's lease from the government, and the said corporation shall not be bound to furnish such power, water or light whenever the water power is shut off from their works by the Government or whenever they are suspended for necessary repairs or when from accident or other unavoidable cause they are not able to supply the same.

7.

7. If within ten years from the final passing of this by-law the said business or businesses should be decided to be insolvent by a Court of competent jurisdiction, go into liquidation, be wound up or be seized or sold by any process of any court, the council of the corporation for the time being shall be at liberty to cancel the said grant of power, water, light, right-of-way and exemption from taxation after a notice of six months.

8. Before said power, water and light are begun to be supplied, and within fifteen days after the final passing hereof, the said J. Wesley Allison shall execute and deliver to the said corporation a covenant binding upon himself, and his assigns, to observe, agree to and be bound by the provisions and conditions of this by-law; and in the event of his selling or transferring the said property and the rights under this by-law, that the individuals or corporation to which he may sell, should before the assignees could obtain the benefit of this by-law, file a covenant with the said Corporation similar to the one which the said J. Wesley Allison entered into with the said Corporation.

9. If after the final passing of this by-law the said J. Wesley Allison does not immediately commence to carry out his part of the provisions and conditions of the same and be ready to commence manufacturing as aforesaid within the time limited under clause 1 hereof, then he shall, immediately after the said time has expired, forfeit and pay to the Treasurer of the said Corporation the sum of $100 towards the expense of submitting this by-law for the assent of the ratepayers.

10. This by-law shall come into force upon the said Corporation obtaining the lease of said surplus water, the passing of by-law number 271 and the consolidation and extension of the said debt and the existing debt of the said village by Act of the Legislative Assembly of the Province of Ontario, otherwise to be and remain null and void.

And whereas this by-law requires the assent of the ratepayers of the said village qualified by law to vote on the same, before the final passing thereof, and it is necessary to fix the time and places for taking the votes of the said ratepayers and also the day for finally considering and passing the said by-law by the council.

Be it therefore enacted that the votes of the said ratepayers qualified by law to vote on this by-law shall be taken on the same on the 31st day of March, 1905, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon at the places and by the Deputy Returning Officers hereinafter mentioned, namely:—

Polling sub-division number one, at the Town Hall, in the said village, by Jacob E. Hooper, Deputy Returning Officer.

Polling subdivision number two, at East Public School building, by Robt. Henderson, Deputy Returning Officer.

Polling sub-division number three, at Mrs. Henderson's coach-house, by Johiel Desrosiers, Deputy Returning Officer.

That the Reeve of the said village shall attend at the Town Hall, in the said village, on the 27th day of March, 1905, at the hour of one o'clock in the afternoon for the purpose of appointin · persons to attend at the different polling places on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law respectively, and also persons to attend at the final summing up of the votes by the Clerk of said village.

That the Clerk of said village shall sum up the number of votes given for and against this by-law on the 1st day of April, 1905, at the hour of ten o'clock in the forenoon, at the Town Hall, in said village.

That this by-law shall be finally considered by the council, and if the same shall be assented to by the ratepayers, shall be then passed

on

on Monday, the 10th day of April, 1905, at the hour of eight o'clock in the forenoon.

By-law read a first time in open council this 6th day of March, 1905.

F. R. CHALMERS,
Clerk.

By-law read a second time in open council this 6th day of March, 1905.

F. R. CHALMERS,
Clerk.

By-law read a third time in open council and finally passed, signed and sealed, this 10th day of April, 1905.

(Sgd.) E. DUFFY,
Reeve.
(Corporate Seal).
(Sgd.) F. R. CHALMERS,
Clerk.

SCHEDULE "B."

BY-LAW No. 271

A by-law to provide for the development, by the Corporation of the Village of Morrisburg, of 1,100 horse-power from the Rapide Plat Canal and converting the same into electrical power, and for purchasing necessary transformers, and to authorize the said corporation to grant the sum of $2,250 for the purpose of establishing a factory or factories in the said Village, and to authorise the issue of debentures of the said Village to the amount of $76,100, for the purpose of raising the sum required therefore.

Whereas one J. Wesley Allison, of the City of New York, proposes establishing a factory or factories in the said Village of Morrisburg, for the purpose of manufacturing tin-plate, sheet-steel and Canada-plate and for other manufacturing purposes on condition of receiving a grant from the said Village of the sum of $2,250 towards the purchase of lands in fee simple for a building site and for a term of ten years free power, water, light, right-of-way and exemption from taxation (except for school purposes), upon the conditions contained in by-law number 270 which is contemporaneous herewith, and whereas it is expedient to raise the sum of $76,100 to be applied for the said purpose.

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of $76,100 as hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the purpose aforesaid and to no other.

And whereas it is desirable to issue the said debentures at such times as they may be required and to make the principal of the said debt repayable by yearly sums during the period of forty years, being the currency of the said debentures; said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other thirty-nine years of said period.

And whereas the total amount required by *The Municipal Act*, to be raised annually by special rate for paying the said debt and interest as hereinafter provided is $4,132.23.

And whereas the amount of the whole rateable property of the said Village of Morrisburg according to the last revised assessment roll thereof is $536,300.

And

And whereas the amount of the existing debenture debt of the said municipality is $72,625.45.

And whereas in addition to the above the said municipality is liable for the following indebtedness, namely:—the sum of $651.95 for accounts passed but not paid, the sum of $1,300.86 being the balance due the Board of Education on its requisition, the sum of $5,650.00 due the Molson's Bank on notes and the sum of $445.00 due the Government of the Dominion of Canada for balance of rent on water-power for the electric light plant, the total amount of the indebtedness covered by this clause being $8,047.81.

Therefore the municipal council of the Corporation of the Village of Morrisburg enacts as follows:—

1. That it shall and may be lawful for the municipal council of the said Corporation to develop the said 1,100 horse-power from the said Rapide Plat Canal and convert the same into electrical power, purchase necessary transformers and grant the said sum of $2,250 to the said J. Wesley Allison, and shall expend the sum of $76,100 in the carrying out thereof in the manner, at the times and subject to the conditions set forth in said by-law number 270; and for the purpose of raising the said sum debentures of the said village to the amount of $4,132.23 as aforesaid in sums of not less than $100 each, shall be issued on the 10th day of April, 1905; each of which debentures shall be dated on the date of the issue thereof and shall be payable within forty years thereafter at any branch of the Molsons Bank in the Province of Ontario.

2. That the said municipal council need not sell all of said debentures at once, but may from time to time sell such and so many of them as may be necessary to realize the amounts necessary for the respective payments to be made under the provisions of said by-law number 270.

3. Each of the said debentures shall be signed by the Reeve of the said Village of Morrisburg, or by some other person authorized by by-law to sign the same, and by the Treasurer of the said village, and the Clerk shall attach thereto the corporate seal of the municipality.

4. During the currency of the said debentures, there shall be raised annually by special rate on all the rateable property in the said Village of Morrisburg the sum of $4,132.23 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

5. That the Reeve and Treasurer of the said municipality are hereby authorized and empowered to borrow from any person or persons, body or bodies corporate, who may be willing to advance the same, the amount of $15,000, pending the sale of the said debentures, upon the credit of the said corporation.

6. This by-law shall take effect on the final passing of by-law number 270, and after the approval by His Honour the Lieutenant-Governor-in-Council of the Province of Ontario.

7. The votes of the electors of the said Village of Morrisburg shall be taken on this by-law at the following times and places, that is to say: on Friday, the 31st day of March, 1905, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the following Deputy Returning Officers:—

Polling sub-division number one, at the Town Hall, by Jacob E. Hopper, Deputy Returning Officer.

Polling sub-division number two, at East Public School building, by Robert Henderson, Deputy Returning Officer.

Polling sub-division number three, at Mrs. Henderson's Coach house, by Johiel Desrosiers, Deputy Returning Officer.

8. On Monday, the 27th day of March, 1905, the Reeve of the said Village of Morrisburg shall attend at the Town Hall, in the said village

village, at one o'clock in the afternoon, to appoint persons to attend at the different polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

9. The Clerk of the said village shall attend at the Town Hall, in said village, at ten o'clock in the forenoon of Saturday, the first day of April, 1905, to sum up the number of votes for and against the by-law.

10. That this by-law shall be finally considered by the council, and if the same shall be assented to by the ratepayers, shall be then passed on Monday, the 10th day of April, 1905, at the hour of eight o'clock in the afternoon.

By-law read a first time in open council, this 6th day of March, 1905.

F. R. CHALMERS,
Clerk.

By-law read a second time in open council, this 6th day of March, 1905.

F. R. CHALMERS,
Clerk.

By-law read a third time in open council and finally passed signed and sealed, this 10th day of April, 1905.

(Sgd.) E. DUFFY,
Reeve.
(Corporate Seal).
(Sgd.) F. R. CHALMERS,
Clerk.

SCHEDULE "C."

(Section 15.)

DEBENTURE.

Province of Ontario, Village of Morrisburg.

No. $

Under and by virtue of the Village of Morrisburg Debenture and Water-Power Act, 1905, and by-law No. of the Corporation of the Village of Morrisburg, passed under the provisions contained in the said Act, the Corporation of the Village of Morrisburg promises to pay the bearer at in the sum of dollars, on the day of A.D.

Dated at Morrisburg, in the County of Dundas, this day of A.D.

Reeve.
Treasurer.

SCHEDULE "D."

(Section 15.)

BY-LAW.

By-law No. To authorize the issue of debentures under the authority of the Village of Morrisburg Debenture and Water-Power Act, 1905.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not to exceed $80,673.26 in the whole as the Corporation of the Village of Morrisburg may in pursuance of and in conformity with the provisions of the said Act direct.

And

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of $ payable with interest thereon at the rate of per centum per annum.

And whereas the amount of the whole rateable property of the said Village of Morrisburg, according to the last revised assessment roll of the said village being for the year was $.

Therefore the Municipal Corporation of the Village of Morrisburg enacts as follows:—

1. Debentures under the said Act and for the purposes mentioned therein to the extent of $ are hereby authorized and directed to be issued.

2. The interest at the rate aforesaid shall be added to the said debentures.

This by-law passed in open council this day of ,in the year of our Lord

CHAPTER

CHAPTER 60.

An Act respecting the Town of Napanee.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Corporation of the Town of Napanee has by petition set forth that on the 20th day of November, 1882, the council of the said town passed a certain by-law granting authority to the Napanee Gas Company to lay down pipes for the conveyance of gas under the streets, squares and other public places in the Town of Napanee, and thereafter the said company supplied gas to private consumers and for the lighting of the streets of the said town, but for many years past the said company has not furnished gas for street lighting; that in or about the year 1886 the Napanee Water and Electric Light Company applied to the council of the said town for, and was granted, the privilege of erecting poles and wires in the municipality for the purpose of supplying electric light for the streets of the municipality, and since then the company has been carrying on business in the municipality, and has supplied electric light to private consumers, and did for some time supply electric light for street lighting purposes under a verbal arrangement with the corporation of the municipality; that the principal shareholders in the said Gas Company are also shareholders in the said Electric Light Company, and although from time to time the said Electric Light Company was urged by the council of the said Town of Napanee as well as by the citizens to supply incandescent electric lighting, the said company refused to do so; that in or about the year 1897 John R. Scott, on behalf of the John R. Scott Light, Heat and Power Company, Limited, obtained a franchise from the council of the said town to supply incandescent electric lighting in the said Town of Napanee, whereupon the said Napanee Water and Electric Light Company established a plant for incandescent electric lighting, and by supplying the same at a very low rate forced the said John R. Scott Light, Heat and Power Company in the year 1898 to abandon the said business and to dispose of its plant to the said Napanee Water and Electric Light Company; that for many years the

the Napanee Water and Electric Light Company owing to lack of suitable power plant have been unable or unwilling to supply suitable street lighting, and the streets of the said town have been from time to time left in total darkness owing to the failure of the said company; that the said company has now ceased entirely to supply electric lighting for street lighting purposes, and it is imperative in the interests of the safety and good order of the town, and the convenience of the inhabitants that the council of the said town should make arrangements at once for lighting the streets of the municipality and supplying light and power to private consumers who have been at great expense in wiring their houses and premises in the expectation of using electric light and power; that the council of the said town has had an exhaustive report made by one R. S. Kelsch, an expert electrical engineer, upon the value of the plant of the said electric light company in the Town of Napanee, and the said report states that much of the said plant is obsolete and worthless and that the full value of the same does not exceed $3,500; that the said Napanee Water and Electric Light Company will not supply electric light for street lighting purposes nor sell the plant of the said company to the corporaton of the said town for any reasonable sum, the said company wishing to force the town to grant to the said company aid in the establishment of a suitable steam plant for generating electric power; and whereas it appears that doubt exists as to the power of the said corporation to construct electric light and power works in the said town without first purchasing or offering to purchase the plants and works of both the Napanee Gas Company and the said Napanee Water and Electric Light Company; and whereas the said Corporation of the Town of Napanee has by the said petition further shown that the said corporation has been advised by the said Kelsch that a municipal plant could supply electric light and power in the said town far more economically and efficiently than the said Napanee Water and Electric Light Company has ever done; and whereas the said corporation has by the said petition prayed that an Act may be passed to authorize the Corporation of the said Town of Napanee to issue debentures for the sum of $40,000 and to apply the proceeds thereof in the erection and establishment of an electric light and power plant in the said town for the purpose of lighting the streets of the said town and supplying electric light and power to private consumers, and that in and by the said Act it may be declared that the said Corporation of the Town of Napanee shall not be bound to make any offer to purchase the plant of the Napanee Gas Company or of the Napanee Water and Electric Light Company or to take the proceedings in relation thereto prescribed by the clause lettered (*a*) and the following clauses of paragraph numbered

bered 4 of section 566 of *The Consolidated Municipal Act, 1903*, and the amendments thereto, and whereas it appears that the circumstances of the said town are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Council may pass by-laws for establishing electric light and power plant.

1. The Municipal Council of the Corporation of the Town of Napanee may pass a by-law or by-laws for constructing and operating electric light and power works in the Town of Napanee and for acquiring the necessary land and for erecting thereon such buildings, plant and machinery as the said council may deem necessary or desirable for the proper construction and operation of the said electric light and power plant and for supplying electric light and power for commercial and domestic purposes as well as for lighting the streets and buildings of the municipal corporation and for other municipal purposes.

Issue of debentures for $40,000 authorized.

2. The council of the said town may in and by any by-law passed under the preceding section, or any by-law passed from time to time, provide for issuing debentures to an amount not exceeding in the whole the sum of $40,000, the said debentures, or the proceeds thereof, to be applied to the purposes of the preceding section.

3 Edw. VII. c. 19, s. 566, par. 4, cls (a) to (a9) not to apply.

3. To remove doubts it is declared the the clauses lettered *a* to *a*9, both inclusive, following paragraph 4 of section 566 of *The Consolidated Municipal Act, 1903*, do not apply to the Corporation of the Town of Napanee, nor to the council thereof, and it shall not be necessary for the council of the said town before passing any by-law under section 1 or section 2 of this Act, or issuing debentures thereunder, to fix any price to be offered to any electric light company or gas company supplying or which has heretofore supplied electric light or gas in the Town of Napanee, or to take any further or other proceedings having for their object the fixing of a price to be paid by the said municipal corporation for the works and plant of any such company, or any part thereof, or the purchase or expropriation of such works and plant, or any part thereof, by the said municipal corporation.

General provisions of 3 Edw. VII., c. 19, to apply in other respects.

4. Save as aforesaid all the provisions of *The Consolidated Municipal Act, 1903*, applicable to municipal by-laws for constructing electric light works and for the issuing of debentures for that purpose shall apply to any by-law to be passed under the provisions of this Act and to the debentures to be issued under any such by-law.

CHAPTER

CHAPTER 61.

An Act respecting the City of Niagara Falls.

Assented to 25th May, 1905.

Preamble

WHEREAS the Municipal Corporation of the City of Niagara Falls has by its petition prayed that an Act may be passed to confirm and legalize By-law No. 601 of the Town of Niagara Falls, intituled a By-law to authorize the extension and improvement of the water-works plant of the Town of Niagara Falls, and to provide for the issue of debentures of the said Town of Niagara Falls to the amount of $12,000, and to raise the sum required therefor; and to authorize the issuing of the said debentures by the City of Niagara Falls; and whereas before the final passing thereof the said by-law was submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act*, and was approved by a large majority of the ratepayers of the said town and was finally passed by the council of the said town; and whereas the said by-law was registered in the registry office of the County of Welland on the 21st day of May, 1903, and no application has been made to set aside or quash the same; and whereas the City of Niagara Falls upon incorporation took over all the assets and assumed all the liabilities of the Town of Niagara Falls; and whereas the said debentures were not issued prior to the incorporation of the City of Niagara Falls and the sale of the debentures to be issued under the said by-law will be facilitated if the said by-law is ratified and declared legal and binding on the City of Niagara Falls; and whereas the City of Niagara Falls has by its said petition represented that the report dated the 7th day of December, 1903, of the commissioners appointed under the Act providing for the incorporation of the City of Niagara Falls being Chapter 67 of the Acts passed in the 3rd year of the reign of His Majesty King Edward the Seventh so far as the same relates to sewers, does not clearly express the true intent and meaning of the agreement arrived atbetween the Town of Niagara Falls and the Village of Niagara Falls

Falls and has prayed that an Act may be passed to declare and carry out the true intent and meaning of the said agreement, and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 601 of Town of Niagara Falls Confirmed and City of Niagara Falls authorized to issue debentures under.

1. By-law No. 601 of the Town of Niagara Falls set out in Schedule "A" and entitled "a By-law to authorize the extension and improvement of the water works plant of the Town of Niagara Falls and to provide for the issue of debentures of the said Town of Niagara Falls to the amount of $12,000, and to raise the sum required therefor," is confirmed and declared legal, valid and binding, and the corporation of the City of Niagara Falls is hereby authorized and empowered to issue and sell the said debentures and such debentures shall be sealed with the seal of the said city and shall be signed by the mayor and treasurer thereof, and the said city corporation is hereby authorized and empowered to do all acts necessary for the full and proper carrying out of the said by-law.

Construction of sewers.

2. Notwithstanding anything contained in the report dated the 7th day of December, 1903, of the commissioners appointed under the Act providing for the incorporation of the City of Niagara Falls, being Chapter 67 of the Acts passed in the 3rd year of the reign of His Majesty King Edward the Seventh so far as the same relates to sewers, the territory which formerly comprised the Town of Niagara Falls shall pay for all sewers now constructed or to be constructed in or for the benefit of such territory during the period of fifteen years from the first day of January, A.D. 1904, and the territory which formerly comprised the Village of Niagara Falls shall pay for all sewers constructed in or for the benefit of that territory during the period of fifteen years from the first day of January, 1904, and the amounts required to pay for the construction of such sewers respectively shall be levied by the city corporation by a special rate upon the lands within such respective territories, and in case it shall be deemed necessary or advisable to issue debentures to pay for the construction of any such sewers in or for the benefit of either of said territories, the Council of the city corporation shall issue such debentures and guarantee the payment thereof and provide for such payment by levying a special rate upon the land within such territory for the principal and interest payable upon the debentures during the

the currency thereof and where it shall be requisite under the terms of *The Municipal Act* that a vote of the ratepayers should be taken to authorize the issue of such debentures, the city corporation shall take the vote thereon of the ratepayers whose lands are assessed within the territory for the benefit of which such construction is to take place and who would be qualified according to law to vote on the by-law creating a debt extending over the proposed period of the debentures and the council of the said city corporation shall act upon such vote and shall pass any such by-law and shall issue the debentures authorized thereby in the terms hereinbefore provided if such ratepayers have approved thereof in the manner and by the majority required by *The Municipal Act* for creating such debt.

Commencement of Act

2. The provisions of this Act shall take effect as if the same had been passed on the First day of January, 1904.

SCHEDULE "A."

By-law No. 601.

A by-law to authorize the extension and improvement of the waterworks plant of the Town of Niagara Falls, and to provide for the issue of debentures of the said town to the amount of $12,000.00 and to raise the sum required therefor.

Whereas the two pumps now in use at the pumphouse have been in service for twelve years and requirements for water have increased beyond the capacity of the said two pumps.

And whereas it is desirable that the Water Commissioners of the Town of Niagara Falls should extend and improve the waterworks plant by the purchase and installation of an additional pump and connections at the price of $12,000.00.

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of $12,000.00 as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the sale of the said debentures to be applied to the purpose aforesaid and no other.

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of fifteen years, being the currency of the said debentures; said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other fourteen years of said period.

And whereas the total amount required by the Municipal Act to be raised annually by special rate for paying the said debt and interest as hereinafter provided is $1,079.29.

And

And whereas the amount of the whole rateable property of the Town of Niagara Falls according to the last revised assessment roll thereof is $2,113,695.00.

And whereas the amount of the existing debenture debt of the said municipality is $312.651.69 whereof no sum either of principal or interest is in arrear:

Therefore the Municipal Council of the Corporation of the Town of Niagara Falls enact as follows:

(1) The Waterworks Commissioners of the said Town of Niagara Falls shall expend the sum of $12,000.00 in the purchase and installation of an additional pump and connections in the waterworks pump house and for the purpose of raising the said sum debentures of the said town to the amount of $12,000.00 as aforesaid in sums of not less than $100 each shall be issued on the 1st day of July, 1903, each of which debentures shall be dated on the date of the issue thereof and shall be payable within fifteen years thereafter at the office of the Town Treasurer in the said Town of Niagara Falls.

(2) Each of the said debentures shall be signed by the Mayor of the said Town of Niagara Falls or by some other person authorized by by-law to sign the same, and by the Treasurer of the said town and the clerk shall attach thereto the corporate seal of the municipality.

(3) The said debentures shall bear interest at the rate of four per cent. per annum payable yearly at the said treasurer's office on the first day of July in each and every year during the currency thereof.

(4) During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Niagara Falls the sum of $1,079.29 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

(5) This by-law shall take effect on the first day of July, 1903.

(6) The votes of the electors of the said Town of Niagara Falls shall be taken on this by-law at the following times and places, that is to say:—On Monday, the 27th day of April, 1903, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day:

In the North Ward at Thos. Goode's store.

In the East Ward at the Town Hall.

In the West Ward at A. Coulthurst's residence.

In the South Ward at the Fire Hall

by the following deputy returning officers:

In the North Ward, J. W. Edmand.

In the East Ward, John Robinson.

In the West Ward, J. C. L. Newby.

In the South Ward, J. A. Vandersluys.

(7) On Saturday, the 25th day of April, 1903, the Mayor of the said Town of Niagara Falls shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing this by-law respectively.

(8) The Clerk of the Council of the said Town of Niagara Falls shall attend at his office in the Town Hall at ten o'clock in the forenoon of Tuesday, the 28th day of April to sum up the number of votes for and against the by-law.

SCHEDULE

SCHEDULE A.

Referred to in the foregoing by-law.
Shewing how the amount of $1,079.29 thereby required to be raised annually by special rate is apportioned.

Year.	Principal.	Interest.	Total.
1904	$ 599.29	$480.00	$1,079.29
1905	623.26	456.03	1,079.29
1906	648.19	431.10	1,079.29
1907	674.12	405.17	1,079.29
1908	701.09	378.20	1,079.29
1909	729.13	350.16	1,079.29
1910	759.30	320.99	1,079.29
1911	788.63	290.66	1,079.29
1912	820.17	259.12	1,079.29
1913	852.98	226.31	1,079.29
1914	887.10	192.19	1,079.29
1915	922.69	156.70	1,079.29
1916	959.49	119.80	1,079.29
1917	997.87	81.41	1,079.29
1918	1,037.79	41.50	1,079.29

Read a third time and passed in council this 11th day of May, 1903.

Sgd. JOHN ROBINSON,
Town Clerk.

Sgd. GEORGE HANAN,
Mayor.

CHAPTER 62.

An Act respecting the United Counties of Northumberland and Durham, and the maintenance of County Bridges therein.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Municipal Council of the United Counties of Northumberland and Durham has, by its petition, represented that in consequence of an organized movement to separate the County of Durham from the County of Northumberland, the warden of the said united counties, at the request of the county councillors and delegates attending a meeting, convened to discuss separation, held in the Town of Port Hope on the 17th day of March, 1905, called a special meeting of the counties council of the said united counties to be held at the Town of Cobourg on the 29th day of March, 1905; and whereas invitations to attend the said last mentioned meeting were duly sent to the mayors and clerks of the towns, and the reeves and clerks of all villages and townships composing the minor municipalities within the said united counties; and whereas after hearing the delegates from the County of Durham and their statements of the grounds of dissatisfaction, and owing to which separation was sought, the said counties council, by resolution numbered 1,242, referred the matters submitted by the said delegates to a special committee therein named; and whereas the said special committee duly made its report as set out in Schedule "A" to this Act; and whereas upon the presentation of the said report and after full discussion thereon the committee arose and the said counties council with the consent and approbation of the said delegates present, duly adopted the said report without amendment; and whereas the said municipal council has prayed that an Act may be passed to apportion the cost of maintenance and of building bridges in the said united counties according to the terms of the said report; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent

sent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Cost of maintenance of bridges how to be borne.

1. The cost of maintaining (including the cost of re-building when necessary, and the expense and remuneration of any committee, commissioners, or other officers) any bridge heretofore or hereafter constructed in either of the said united counties for which the corporation of the United Counties of Northumberland and Durham may be liable shall be assessed, levied and collected by a special annual rate upon the property liable to assessment in that one of the united counties in which such bridge is situate.

Apportionment of cost of construction of new bridges.

2. In case it shall be necessary hereafter to construct a new bridge to supply the public need at a point at which a bridge is not maintained, at the time of the passing of this Act three-fourths of the cost of building such new bridge shall be assessed, levied and collected by a special annual rate upon the property liable to assessment in that one of the said united counties in which such new bridge is situate, and the remaining one-fourth of such cost shall be raised, levied and collected by a special annual rate upon the property liable to assessment in the other of the said united counties.

Maintenance of boundary bridge in Township of South Monagan

3. The bridges maintained at the time of the passing of this Act in the Township of South Monaghan as boundary bridges between the United Counties of Northumberland and Durham, and the County of Peterborough, shall be maintained in the same manner as heretofore, and the provisions of this Act shall not apply to or affect the maintenance of such boundary bridges.

SCHEDULE "A."

"Report of the Special Committee appointed under Resolution No. 1,242;

To the Warden and members of the Municipal Council of the United Counties of Northumberland and Durham:

Gentlemen,—

1. Your committee recommend that in future the maintenance of the county bridges, now built and existing, or which may hereafter be built, shall be borne exclusively by the county in which such bridge is situated, and maintenance shall include all committee, commissioner and other work in connection with each such bridge.

2. That each county shall pay seventy-five per cent. of the costs of building any new bridge constructed therein and the other county

county only the remaining twenty-five per cent, of such cost, and by new bridges are meant only bridges which hereafter it shall be necessary to build to supply some public want in any locality not now provided for, and shall not apply to any bridge built to replace some prior bridge in the same locality, and after being built shall be maintained as aforesaid.

3. That the bridges at present existing in the Township of South Monaghan as boundary bridges between these counties and the County of Peterborough, shall be maintained as at present for the future, and shall not be affected by this agreement.

All of which is respectfully submitted.

(Signed) R. D. RUTHERFORD,
Chairman.

Cobourg, March 29th, 1905;"

CHAPTER.

CHAPTER 63.

An Act respecting the Town of Orillia.

Assented to 25th May, 1905.

Preamble. WHEREAS the Municipal Corporation of the Town of Orillia has by petition represented that, under and by virtue of the provisions of the Act passed in the 62nd. year of the reign of Her late Majesty, Queen Victoria, chaptered 64, and the Act passed in the Second year of the reign of His Majesty, King Edward the Seventh, Chaptered 53, the said municipal corporation has erected, constructed, and installed, and now operates, machinery, works, erections and plant, in the Townships of Matchedash and Orillia (Northern and Southern Divisions) and in the said Town of Orillia, for the purpose of generating, transmitting, and distributing electrical energy to and in the said Town of Orillia and surrounding points; and whereas the said Town has further represented that the dam forming a part of said works has been destroyed and the demand for the said electrical energy has become greater than the said machinery, works, erections, and plant, as first installed were capable of supplying, wherefore it has been necessary to repair, extend, alter, improve, and more fully equip the said machinery, works, erections, and plant, and owing to increased demands for the said electrical energy or other causes it may be necessary from time to time in the future to repair, extend, alter, improve or more fully equip the said machinery, works, erections, and plant; and whereas the said Town has also represented that it is necessary and expedient for the said Town to borrow money upon debentures of the said Town for payment of the indebtedness heretofore incurred or to be incurred in such repairs, extensions, alterations, or improvements, now made or about to be made and that it may in the future from time to time be necessary or expedient to borrow money for further repairs, extensions, alterations, or improvements in or to the said machinery, works, erections, or plant; and whereas the value of the whole rateable property of the said Town according to the last revised assessment roll is $1,468,160 and the total debenture indebtedness

indebtedness of the said Town is $104,684.43, exclusive of the debenture indebtedness amounting to $249,202.09 contracted in connection with the revenue producing works and plant of the said Town and whereas the said municipal corporation of the Town of Orillia has by its petition prayed that an Act may be passed authorizing such by-laws of the said Town of Orillia as may from time to time be deemed necessary or expedient, for the said purpose or any of them, and for borrowing upon debentures of the said Town of Orillia, such sum or sums of money as may be required for such purposes; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Council may pass by-laws for repair, extension, etc., of power plant.

1. For the purpose of paying the indebtedness heretofore but since the first day of January 1904 incurred for repairs, extensions, alterations and improvements to the said works, erections and plant and of making up any deficit in other funds of the said town caused by expenditures already made for such repairs, alterations and improvements and for the purpose of paying the cost of and providing for the making of such further repairs, extensions, alterations and improvements to the said works, erections and plant as may from time to time be deemed necessary or advisable it shall be lawful for the municipal council for the time being of the said Town of Orillia from time to time to pass by-laws for any or all of the purposes aforesaid and to borrow upon the credit of the said Town such sum or sums as may from time to time be necessary for such purposes not exceeding in the whole $100,000 and to authorize the issue of debentures of the said Town, therefor, provided however that no such by-law or by-laws under the authority of this Act shall be finally passed by the Council of the said Town until such by-law or by-laws shall have been submitted to and received the assent of a majority of those ratepayers of the said Town qualified to vote on money by-laws, who shall vote thereon.

Debentures, how payable.

2. The debentures to be issued under any by-law or by-laws passed under the authority of this Act shall be in such sums of not less than one hundred dollars each as the Council for the time being of the said Town Corporation may deem expedient, payable not more than thirty years from the day on which they respectively bear date, at such place and bearing interest at such rate as the Council of the said Town for the time being may deem necessary or advisable, and such debentures shall be signed by the Mayor and Treasurer of the said Town for the time being.

3. Any provisions contained in *The Consolidated Municipal Act, 1903*, or amendments thereto, which are or may by implication be deemed inconsistent with the provisions of this Act or any of them shall not apply to any by-law or by-laws passed under the authority of this Act and no irregularity in the form of any debentures issued under such by-law or by-laws shall render such debentures invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof. Inconsistent provisions in 3 Edw. VII., c. 19, not to apply

CHAPTER

CHAPTER 64.

An Act respecting certain by-laws concerning Drainage in the Townships of Osnabruck and Cornwall, in the County of Stormont.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Corporation of the Township of Osnabruck, in the County of Stormont, has by petition represented that the River Aux Raisin Drainage Scheme was constructed under a by-law of the corporation of the said Township of Osnabruck, dated the 19th day of October, A.D. 1888, adopting the report of George S. Bruce, Esquire, Ontario land surveyor, founded on a petition of the parties benefited; that the said municipal corporation having been found liable for damages caused by the construction of the said drainage work, and having been ordered to put the same in an efficient state of repair, appointed T. H. Wiggins, Esquire, O.L.S., to report on what was necessary to put the said drainage work in a proper and efficient state of repair, and to prepare plans, specifications and estimates and to make an assessment of the lands and roads to be benefited by the said work, and of all other lands and roads liable to assessment therefor; that the said T. H. Wiggins filed his report on the 23rd day of February, 1901, and a by-law founded thereon was provisionally adopted by the said Township of Osnabruck on the 16th day of April, 1901; that the said report, plans, specifications, estimates and assessments were served on the Townships of Cornwall and Roxborough, in which adjoining townships lands and roads were assessed by the said T. H. Wiggins, and were appealed against, and upon such appeal it was arranged between counsel, with the consent of the drainage referee and engineer that the respective assessments should be in the proportion of Osnabruck $41,408.42, Cornwall $24,242.69, and Roxborough $2,676.39; that owing to doubts having arisen as to the application of the then existing drainage laws of the Province of Ontario to such a scheme as that provided for in the said report,

port, it has not been possible to proceed with the said drainage scheme, and the scheme has therefore been abandoned; that the said Township of Osnabruck has employed Finlay D. McNaughton, Esquire, Ontario Land Surveyor, there being associated with him James S. Laird, Esq., Ontario Land Surveyor, appointed by the Government of Ontario, to prepare plans, specifications and estimates for the enlargement, alteration and improvement of the River Aux Raisin drainage work, and to make an assessment on the area liable for contribution thereto; that the corporations of the Townships of Osnabruck, Cornwall and Roxborough have passed by-laws, adopting and confirming the said proportion of assessment so agreed upon as hereinbefore mentioned, between the said municipalities for the proposed scheme; that the said Finlay D. McNaughton and James S. Laird have prepared a report, plans, specifications and estimates of the proposed work, and have made an assessment on the lands and roads liable for contribution thereto; that it is necessary to procure a special Act confirming the by-laws of the said townships founded on the said report of Finlay D. McNaughton and James S. Laird, and legalizing the scheme proposed for the deepening, straightening and enlarging of the said river; that the corporation of the said Township of Osnabruck is being continually harassed with claims for damages arising out of the construction of the River Aux Raisin drainage works under the said report of George S. Bruce, and it is most important that the council thereof be allowed to construct such drainage work as will give relief to the flooded lands along the river and thus put an end to such litigation; that the said River Aux Raisin forms the outlet of about 150,000 acres in the Township of Osnabruck, 14,000 acres in the Township of Cornwall, and 3,000 acres in the Township of Roxborough, and the completion of the proposed work will greatly benefit the lands along its course and draining into it; that if the amount required to be raised to carry out the said scheme is to be paid within twenty years, it will be burdensome to some of the parties assessed, and for this reason it is advisable to extend the period of payment over thirty years; and whereas the said petitioners have prayed that an Act may be passed for the purposes aforesaid; and whereas subject to the provisions hereinafter set forth, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

By-law No. 11 of 1904 of Township of Osnabruck set out in Sched. "A" confirmed.

1. The by-law of the Township of Osnabruck, being by-law No. 11 of the year 1904, finally passed on the 23rd day of March, A.D. 1904, adopting the report of Finlay D. McNaughton, Esquire, Ontario Land Surveyor, and James S. Laird, Esquire, Ontario Land Surveyor, on the River Aux Raisin drainage scheme, a copy of which by-law is set forth in schedule "A", and the report, plans, profile, estimates, specifications and assessments of the said engineers therein set forth or referred to are validated and confirmed.

By-law No. 702 of Township of Cornwall set out in Sched. "B" confirmed

2. The by-law of the Township of Cornwall, being by-law No. 702 of the said township, subsidiary to the said by-law of the Township of Osnabruck, finally passed on the 24th day of March, A.D. 1904, a copy of which by-law is set forth in schedule "B" hereto, is also validated and confirmed.

By-law No. 12 of Township of Roxborough set out in Sched. "C" confirmed.

3. The by-law of the Township of Roxborough, being by-law No. 12 of the said township, subsidiary to the said by-law of the Township of Osnabruck, finally passed on the 24th day of March, A.D. 1904, a copy of which by-law is set forth in schedule "C" hereto, is also validated and confirmed.

Issue of debentures confirmed.

4. The debentures issued or to be issued by the said several municipalities under the said by-laws to provide the money for the said drainage work shall be valid in the hands of the purchasers, and shall be binding upon the corporations issuing them to the extent of the money actually advanced on the security and the interest thereon according to the provisions of the same, and that the said several by-laws shall not be quashed or set aside in any way whatever.

Provisions of Rev. Stat. c. 226 to apply.

5. The provisions of *The Municipal Drainage Act* and amendments thereto so far as they are not inconsistent with this Act shall apply to the said drainage work and to the said report and assessments and the said by-laws and proceedings thereunder.

Term of debentures.

6. It shall be lawful for the Townships of Osnabruck, Cornwall and Roxborough to extend the payment of debentures to be issued under the said by-laws over a period not exceeding thirty years, notwithstanding anything contained in the provisions of *The Municipal Drainage Act* or amendments thereto.

Duty of Cornwall as to work and payment over by Township of Osnabruck.

7. The Township of Cornwall shall do or cause to be done all the work within its own limits provided for by the said report, plans, specifications and estimates, and the corporation of the Township of Osnabruck shall pay over to the corporation of the Township of Cornwall not later than the time of giving of the first progress estimate to the contractor by the engineer, such an amount as will, with the amount of the assessment levied against the lands and roads of the Township of Cornwall, make up the amount of the estimated cost of the work in the Township of Cornwall.

Court of Revision for trial of complaints

8. The municipal councils of the Townships of Osnabruck, Cornwall and Roxborough shall, respectively, hold a Court of Revision for the trial of complaints made against the assessment on lands and roads set out in the said several by-laws, and all persons whose lands are assessed for the drainage work shall be served with a copy of this Act and the by-law of the townships in which his land is situate in the manner provided by section 22 of *The Municipal Drainage Act*, and the party appealing to the Court of Revision shall have the right to appeal to the County Judge, in the manner provided for in sections 41 to 47 of *The Municipal Drainage Act*, notwithstanding the final passing of the several by-laws hereby confirmed.

Rev. Stat. c. 226.

Service of notice and copy of by-law.

9. There shall accompany a copy of this Act containing the by-law served on each of the parties interested notice of the holding of the Court of Revision; such notice and copy of this Act containing the by-law shall be served not less than twenty days and not more than thirty days before the time fixed for the holding of the said Court of Revision.

Duration of Court of Revision.

10. The said Court of Revision shall be closed within forty days from the time of its first sitting.

Amendments of assessments.

11. The assessments in the by-laws of the said municipalities of Osnabruck, Cornwall and Roxborough shall be, respectively, amended to conform to the final decision of the Court of Revision or County Judge.

Procedure in case funds provided not sufficient or exceed cost of work.

12. If the by-laws of the said corporations of Osnabruck, Cornwall and Roxborough do not provide sufficient funds to complete the said drainage work, or should the said by-laws provide more than sufficient funds for the completion of the said work, the procedure laid down in section 66 of *The Municipal Drainage Act* shall be followed and the amending by-laws of the said municipalities and the debentures issued thereunder shall be valid and binding on each of the said municipalities.

SCHEDULE

SCHEDULE "A."

BY-LAW No. 11 OF THE TOWNSHIP OF OSNABRUCK, IN THE COUNTY OF STORMONT, OF THE YEAR 1904.

By-law to provide for the alteration, improvement and enlargement of the River Aux Raisin drainage work in the Township of Osnabruck, in the County of Stormont, and its outlet through part of the Township of Cornwall, in the County of Stormont, and for borrowing on the credit of the municipality of the said Township of Osnabruck, the sum of $28,940.00, being the proportion to be contributed by the said municipality of the Township of Osnabruck, for completing the same.

Finally passed the 23rd day of March, A. D. 1904.

Whereas, on or about the 19th day of October, A.D. 1888, a by-law of the corporation of the Township of Osnabruck was finally passed, adopting the report of George S. Bruce, Esq., O. L. S., on the River aux Raisin drainage works, founded on a petition of the parties benefited, under which by-law the work as outlined in the said report was constructed, and

Whereas, one John S. Moke, of the said Township of Osnabruck, one of the owners assessed under and by virtue of the said by-law on the 29th day of May, A. D. 1899, commenced an action against the corporation of the Township of Osnabruck, in the High Court of Justice for damages to the west half of lot number four in the fourth concession of the said township, in which action it was on the 3rd day of January, A. D. 1900, ordered and adjudged by Thomas Hodgins, Esq., K. C., Drainage Referee, that the said John S. Moke should be at liberty to enter judgment against the corporation of the Township of Osnabruck for the sum of $400.00 damages and costs, and that the corporation of the Township of Osnabruck within six months after the third day of January, A.D. 1900, take proper proceedings to put the said drainage work in a proper and efficient state of repair, and

Whereas, the corporation of the said Township of Osnabruck, in order to comply with the said mandatory order, appointed T. H. Wiggins, Esq., civil engineer, to report on what was necessary to put the said drainage work in a proper and efficient state of repair, to alter, enlarge and otherwise improve the same, and to prepare plans, specifications and estimates, and to make an assessment of the lands and roads liable to assessment therefor, and

Whereas, the said T. H. Wiggins, duly made his report dated the 9th day of February, A. D. 1901, which said report was filed with the clerk of the said township, and served on the reeves of the municipalities of the Townships of Cornwall and Roxborough, in which adjoining townships certain lands and roads were assessed by the report of the said T. H. Wiggins, and

Whereas, the said corporation of the said Township of Osnabruck, on the 16th day of April, A. D. 1901, provisionally adopted a by-law founded on the said report, plans, specifications, assessments, etc., and

Whereas, the said report, plans, specifications, estimates and assessments were appealed against by the said Townships of Cornwall and Roxborough, which appeal came on to be heard before J. B. Rankin, Esq., K. C., Drainage Referee, when it was arranged between counsel, with the consent of the referee and engineer that the respective assessments between the said townships should be in the proportion of—Osnabruck, $41,408.42; Cornwall, $24,242.69 and Roxborough, $2,676.39, and

Whereas, it was found that under the then existing state of the drainage laws of the Province of Ontario, it was impossible to proceed with the said drainage scheme as reported on by the said T. H. Wiggins, and the corporation of the said Township of Osnabruck, has, therefore, abandoned the said report and the scheme therein outlined, and

Whereas

Whereas, the corporation of the said Township of Osnabruck in a certain action brought by James McPherson, of the said township, had to pay damages and costs amounting to $250.00, under an agreement that this action should abide the result of the action brought by the said John S. Moke, and in a certain other action brought by the said John S. Moke, the said Township of Osnabruck paid him the sum of $290.00 for damages and costs, under a settlement made with him, and

Whereas, in a certain action brought by D. A. A. McDonald, of the Township of Cornwall, against the said Township of Osnabruck, which came on for trial before J. B. Rankin, Esq., K. C., Drainage Referee, it was held that the Township of Osnabruck had done everything within its power, since the 3rd day of January, 1900, to procure an amendment of the drainage law, and otherwise, in order to enable it to comply with the mandatory order above referred to, and he therefore adjourned the said action upon payment of costs by the said Township of Osnabruck, to enable the council thereof to procure a special Act legalizing such a scheme as might be recommended by competent engineers, to afford the necessary relief, and thereby put an end to litigation, and

Whereas, the municipal council of the said Township of Osnabruck has procured an examination to be made by Finlay D. McNaughton, Esq., Ontario Land Surveyor, of the said River aux Raisin drainage works, there being associated with him James S. Laird, Esq., Ontario Land Surveyor, (representing the Legislature of Ontario) and of the area to be affected by the proposed work, and of the lands and roads liable to assessment under *The Municipal Drainage Act*, and amendments thereto, and has procured plans and specifications and estimates of the said drainage work to be made by the said Finlay D. McNaughton and James S. Laird, and assessments to be made by them of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as they can the proportion of benefit, outlet liability and injuring liability which in their opinion will be derived or incurred in consequence of such drainage work by every lot or portion of lot, such assessments so made being the assessment hereunto set forth as part of the report of the said engineers together with that hereinafter by this by-law enacted, to be assessed and levied upon the lots, parts of lots and roads in that behalf, specially set forth and described, the description, expenses and estimated cost of the work to be done and amount to be contributed therefor by each municipality affected by the drainage work, being fully set forth in the report of the said Finlay D. McNaughton and James S. Laird, hereinafter set forth. The said report of Finlay D. McNaughton and James S. Laird, in respect thereof, and of the said drainage works, being as follows:—

To the Reeve and Councillors of the Township of Osnabruck, in the County of Stormont.

GENTLEMEN:—Having been appointed by your honorable body to examine the River aux Raisin, with a view to improve, alter and enlarge the same, to prepare a report, plans, profile, specifications and estimates, and to make an assessment upon the lands and roads liable to be assessed for such improvement, alteration and enlargement according to the provisions of *The Municipal Drainage Act* and amendments thereto, and having associated with me James S. Laird, Esquire, Ontario Land Surveyor, representing the Legislature of the Province of Ontario, we beg to report as follows:—

We carefully examined the course of the said river from the seventh and eighth concession road in the Township of Osnabruck, south-easterly to the west half of lot number thirteen, in the seventh concession of the Township of Cornwall, in the County of Stormont, a distance of about twenty-four miles. We staked and levelled

levelled the river for the whole distance, examining all the bends, measuring its capacity, taking soundings, etc.

We found the portion of the river from the seventh and eighth concession road of the said Township of Osnabruck, through the seventh, sixth and fifth concessions of the said township to the road allowance between lots thirteen and fourteen in the fifth concession, to consist of stretches; some pass through clay and cultivated land, and are in fair condition by reason of the nature of the soil and the natural fall of the land, while others and the longer stretches pass through swamp lands with very little fall, and are so filled up as to render the drainage work very ineffective.

From said last mentioned point, the river turns south, passing into the fourth concession, crossing lots thirteen, twelve and eleven, and then re-crossing into the fifth concession of lot ten. This section of the river passes chiefly through swamp or bog lands and is very crooked, the adjoining lands are very flat and not cultivated; through lots thirteen and twelve in the fourth concession of Osnabruck, the channel is very much filled in, and is wholly insufficient to carry the water it was intended to convey. Through the rest of this section, it is in reasonably good condition; the water however, is held back by a shoal south of the concession road. From the last mentioned limit to the boundary between the Townships of Osnabruck and Cornwall, the channel passes through higher and cultivated lands, but it is of uneven grade, and wholly inadequate to carry off the large body of surface water discharged into this section by the main stream and its laterals.

From the Osnabruck-Cornwall town line to the Moulinette road, the channel is very badly filled in for the first 3,500 feet, but improves down towards the said road. From this side road, down to within a short distance of the unincorporated village of St. Andrews, the river is exceedingly tortuous with many sharp bends, and in some places greatly reduced in capacity by reason of filling in, and there are, in addition, so many rapids or shoals that the flow of water is so impeded as to render the channel wholly ineffective for the purpose of carrying off the flow of surface water, naturally discharging into it, and as a consequence, utterly useless for the drainage of lands adjoining the stream.

We have prepared plans, profile, specifications and estimates for the purpose of improving the channel of this river by increasing its capacity to accommodate the water in the main river and also that brought in by the lateral streams; by removing shoals or rapids which now obstruct the flow of the water; by deepening and enlarging where required and by cutting off numerous sharp bends, more particularly from the junction of Dixon creek (which when improved will afford drainage for the Township of Roxborough) down to the outlet of our proposed work, to such an extent as will, in our judgment, provide ample drainage facilities for the surface water in time of summer freshets, which will be artificially brought from the drainage area by the main river, and the Roxborough and other laterals. We have carried the proposed work to a good and sufficient outlet in the river. The natural courses of the river around the sharp bends which it is proposed to cut off shall in every case be left open at both ends, so as to leave at each of such bends a double course for the water by way of the natural channel and also by the new cuts across the necks of the sharp bends, thereby greatly increasing the carrying capacity of the work.

We have provided in our specifications for a continuous berm throughout, on each side of the channel, where no excavated material shall be placed, which by its weight upon the land adjoining the drainage work, would have a tendency to crowd in the sides, and thereby reduce its capacity by obstructing the flow of water and rendering the work out of repair.

We find most of the highway bridges across the stream in a very dilapidated condition, and as in our judgment none of such bridges are rendered necessary by reason of our proposed improvement

for

for drainage purposes, the cost of such bridges should not to any considerable extent be charged to the drainage area, but on the contrary should be charged to the general funds of the township in which the bridges are required, and we have prepared our report and made our assessments along these lines.

We have included in our estimates three sums of $7,115.77, $306.21 and $374.37, making a total of $7,796.35, which represent damages, law costs, costs of previous survey and of the publication of the by-law founded thereon, and of holding courts of revision under the same, all of which were incurred prior to our instructions, and were provided for in the adjustment of assessments between the different municipalities.

ESTIMATES FOR THE IMPROVEMENT OF THE RIVER AUX RAISIN IN THE TOWNSHIP OF OSNABRUCK.

Station 654 to Station 374—14,905 yards	$1,937 65
Clearing	55 00
Boulders and hard-pan	60 00
Station 374 to Station 216—17,956 yards	2,693 40
Clearing	105 00
Hard-pan	50 00
Station 216 to Station 400—16,058 yards	2,408 70
Rock and hard-pan	400 00
Cost of excavation in Osnabruck	$7,709 75
Farm crossings in Osnabruck	$530 00
Land taken in construction	22 50
To pay for work previously done, of benefit to this scheme	289 00

HIGHWAY CULVERTS AND BRIDGES.

Culvert on road between concessions 7 and 8	40 00
Culvert on road between concessions 6 and 7	40 00
Culvert on road between concessions 5 and 6	50 00
Culvert on road between lots 13 and 14, concession 5	60 00
Bridge on road between lots 6 and 7, concession 4	900 00
Bridge on forced road in 4th concession	900 00
The following named bridges will have to be repaired:—	
Bridge across forced road in 5th concession	40 00
Bridge on side road between lots 9 and 10, concession 5	60 00
Bridge on road in centre of lot 18, concession 5	40 00
Cost of construction in Osnabruck	$10,681 25

ESTIMATE FOR THE IMPROVEMENT TO THE RIVER AUX RAISIN IN THE TOWNSHIP OF CORNWALL.

Two cuts below McGillis Rapids (Wheeler & McGillis) and clearing channel—4,000 yards, earth	$520 00
Station 0 to Station 6—2,650 yards, earth	344 50
Station 6 to Station 35—10,353 yards, hard-pan	5,176 50
Station 35 to Station 171—48,726 yards, earth	6,334 38
Station 171 to Station 188—3,600 yards, rock	4,500 00
Station 171 to Station 188—3,333 yards, hard-pan	2,000 00
Station 188 to Station 399 50—32,354 yards, earth	4,206 02
Removing boulders	100 00
Cost of excavation in Cornwall	$23,181 40
Farm crossing in Cornwall	475 00
Land taken in construction in Cornwall	180 00
Damage, spreading earth over land	50 00

HIGHWAY BRIDGES.

Bridge at foot of McGillis Rapids	$1,100 00	
Bridge on side road, lots 24 and 25, con. 6 ...	1,000 00	
Bridge on side road, lots 30 and 31, con. 6 ...	900 00	
		$3,000 00
Repairs to Cleary's bridge (to be paid owner)		60 00
Total cost of construction in Cornwall		26,946 40
Total cost of construction in Osnabruck		10,681 25
Whole cost of construction		37,627 65
Survey and assistance		1,000 00
Publishing by-laws, Court of Rev. and clerk's fees, Osnabruck		275 00
Publishing by-laws, Court of Rev. and clerk's fees, Cornwall		235 00
Publishing by-laws, Court of Rev. and clerk's fees, Roxborough		100 00
Superintending the work of construction		1,500 00
Total cost of construction and expenses		40,737 65
Amount paid by Osnabruck for damages, law costs, former surveys and other expenses on Raisin River ...		7,115 77
Amount paid by Cornwall for law costs on Raisin River		306 21
Amount paid by Roxborough for law costs on Raisin River		374 27
Total cost of construction and expenses with $7,796.35 added for law costs and damages		48,534 00

THE FOLLOWING CULVERTS AND RAILWAY BRIDGES WILL BE REQUIRED, VIZ.:

1. On road allowance between 7 and 8 cons., Osnabruck Township, 5 feet clear waterway, Cedar culvert
2. On the road allowance between 6 and 7 cons., Osnabruck Township, 6 feet clear waterway, Cedar culvert.
3. On the road allowance between 6 and 5 cons., Osnabruck Township, 7 feet clear waterway, Cedar culvert.
4. On the road allowance between lots 3 and 4, con. 5, Osnabruck Township, 10 feet clear waterway, Cedar culvert.
5. On road allowance between 7 and 6, con. 4, Osnabruck Township, 36 feet clear waterway, Steel bridge.
6. On forced road in 4th con., Osnabruck Township, 36 feet clear waterway, Steel bridge.
7. On Moulinette road between lots 30 and 31, Cornwall, 45 feet clear waterway, Steel bridge.
8. On Mille Roches road between lots 24 and 25, Cornwall, 50 feet clear waterway, Steel bridge.
9. On forced road near foot McGillis Rapids, Cornwall, 50 feet clear waterway, Steel bridge.

The following allowances are made for farm crossings, for lands taken, for damages to lands and crops and for work done in the said river, that will be of benefit to the present scheme:—

FARM CROSSINGS IN OSNABRUCK.

Thomas Saunderson ...	N. ½ lot 15, con. 7	$ 8 00
John M. Campbell ..	S. ½ lot 15, con. 7	8 00
John H. Baker	S. ⅜ lot 16, con. 7	8 00
John G. Otto	N. ½, W. ¾ lot 16, con. 6	10 00
John M. Campbell ..	N. ½ lot 17, con. 6	10 00
James H. Bredin	S. ½ lot 17, con. 6	10 00
James McLean	S. ½, E. ½ lot 18, con. 6	10 00

Henry Warner

Henry Warner	W. ½ lot 18, con. 5 (2 C 1-0)	20 00
John McLean	E. ½ lot 18, con. 5	10 00
John Beckstead	W. ½ lot 17, S. Rd., con. 5	10 00
Adam Waldroff	W. 2-5, E. ½ lot 17, S. G. R., con. 5	10 00
James Hill	S. 3-5, E. 3-10 lot 17, S.G.R., con. 5	10 00
William Hesson	E. ½ lot 16, con. 5	10 00
Merrick Otto	W. ½ lot 15, con. 5	10 00
Adam Haines	E. ½ lot 15, con. 5	10 00
Mrs. Mary Servais	S ½ lot 14, con. 5	12 00
James Wyatt	S. ½, W. ½ lot 13, con. 5	12 00
George Gove	W. ½ lot 13, con. 4	12 00
Mrs. Johiel Empey	E. ½ lot 13, con. 4	12 00
John J. Shaver	W. ½ lot 12, con. 4	12 00
Herman Bush	N. ¾, E. ½ lot 12, con. 4	12 00
Amos Ruport	N. ¼ lot 11, con. 4	12 00
John W. Tinkiss	Pt. lot 10, con. 5	12 00
Johiel Moke	S. 30 acres, W. ½ lot 9, con. 5	12 00
Ira Moke	N. 4-5, E. ½ lot 9, con. 5	12 00
William Robbs	S. ¾ lot 8, con. 5	12 00
Calvin Prosser	S. ½, E. ½ lot 8, con. 5	12 00
Joel Adams	S. ½ lot 7, con. 5	12 00
A. H. Ruport	N. 3-10, W. ½ lot 7, con. 4	15 00
Jacob Ruport	N. ½, E. ½ lot 7, con. 4	15 00
Pader Ruport	N. ¾, S. ¾ lot 6, con. 4	15 00
Elias Bush	N. ½, E. ½ lot 6, con. 4	15 00
Wesley Werley	N. ½, W. ½, lot 5, con. 4	15 00
James McPherson	E. ½ lot 5, con. 4	15 00
John S. Moke	W. ½ lot 4, con. 4	15 00
Abraham Duval	S. ½, E. ½ lot 4, con. 4	15 00
Abraham Duval	S. ½, W. ½ lot 3, con. 4	15 00
Colborne Bradshaw	E ½ lot 3, con. 4	15 00
Ezra Werley	S. ½ lot 2, con. 4	15 00
Mrs. Jane Andrews	N. ½, E. ½ lot, con. 2	15 00
John C. Fulton	E. ½, N. ½ lot 1, con. 2	20 00
George Thompson	N. ½ lot A, con. 3	20 00
		$530 00

FARM CROSSINGS IN CORNWALL.

John D. McLennan	W. ½ lot 38, con. 7	20 00
Frank Lee	E. ½ lot 38, con. 7	20 00
D. J. McIntosh	W. ½ lot 37, con. 7	20 00
Angus McPhail	E ½ lot 36, con. 7	20 00
J. G. Eamon	N. ¾, E. ¾ lot 37, con. 6	20 00
Thomas Connors	W. Pt. Gore lot, con. 6	35 00
Centre lot 23, 7 con. for A. McDonald and A. Lausen		45 00
Joseph McGillis	E. 3-9 lot 24, con. 7	45 00
Line between lots 27 and 28, 7th con., D. A. A. McDonald and Alex. McPhail		45 00
Alex. McDonald	Lot 22, con. 6	45 00
Martin McGillis	E. ½ lot 20, con. 6	45 00
Garnet Wheeler	N. ½ lot 13, con. 6	70 00
		$475 00

ALLOWANCE FOR LANDS TAKEN.

Ezra Werley	S. ½ lot 2, con. 4	7 50
Mrs. Jane Andrews	N. ½, E. ½ lot 2, con. 3	15 00
Frank Lee	E. ½, lot 38, con. 7	5 00
John D. McLennan	W. ½ lot 38, con. 7	5 00
Donald M. McDonald	E ½ lot 38, con. 7	5 00
Archie McDonald	W. ½ lot 23, con. 7	5 00
Angus McPhail	Lot 36, con. 7	6 00

J. G. Eamon

J. G. Eamon	E. ½ lot 37, con. 6	5 00
D. J. McIntosh	W. ½ lot 37, con. 7	5 00
Alex. McDonald	Lot 22, con. 6	10 00
Augustus Lawson	E. ½, lot 23, con. 7	10 00
Alex. McPhail	S. ½, W. ½ lot 27, con. 7	15 00
Joseph McGillis	E. ¾ lot 24, con. 7	15 00
Thomas Connors	Pt. Gore, con. 6	15 00
Garnet Wheeler	W. ½ lot 13, con. 6	30 00
Martin McGillis	Lot 20, con. 6	50 00
		$180 00

DAMAGES TO LANDS AND CROPS.

Martin McGillis	Lot 19, con. 6	35 00
Garnet Wheeler	W. ½ lot 13, con. 6	15 00
		$50 00

ALLOWANCE FOR WORK DONE THAT WILL BE OF BENEFIT TO THE PRESENT SCHEME.

W. T. Kirkpatrick	S. ½, W. ½ lot 6, con. 4	5 00
Elias Bush	Pt. lot 6, con. 4	7 00
John N. Shaver	S. ⅜, E. ½, lot 6, con. 4	7 00
John N. Shaver	S. ⅜, W. ½ lot 5, con. 4	7 00
Ezra Werley	S. ½, lot 2, con. 4	8 00
Alonzo Werley	Pt. N. ½ lot 2, con. 4	8 00
D. R. McMillan	Lot 1, con. 4	8 00
Alonzo Shaver	S. ½, E. ½, lot 7, con. 4	8 00
Colborne Bradshaw	E. ½ lot 3, con. 4	10 00
Wesley Werley	N. ⅜, W. ½ lot 5, con. 4	20 00
Abraham Duval	S. ½, W. ½ lot 3, con. 4	21 00
Abraham Duval	S. ½, E. ½ lot 4, con. 4	25 00
James McPherson	E. ½ lot 5, con. 4	35 00
Pader Ruport	N. ⅜, S. ¾ lot 6, con. 4	40 00
John S. Moke	W. ½ lot 4, con. 4	80 00
		$289 00

We have made allowances for previous assessments according to the by-laws of the Townships of Osnabruck and Cornwall, for the construction of work reported on by George S. Bruce, P.L.S., on the 15th day of August, A. D. 1888, said allowances being set out in the several schedules. The gross amount of the assessment, in every case, shall be reduced by the amount of the allowance set opposite.

In the annexed schedules will be found the specifications and our assessment of the cost of the work against the lands, roads and municipalities, liable therefor.

The work, when completed, shall be kept in repair and maintained at the expense of the lands, roads and municipalities as assessed for the work herein reported on such lands, road and municipalities paying in the same relative proportions.

Dated at Cornwall, this 22nd day of March, A. D. 1904.

F. D. McNAUGHTON, O. L. S.
(Sgd.) Engineer for Osnabruck.
JAMES S. LAIRD, O.L.S.

SPECIFICATIONS AND LOCATION OF THE CONTEMPLATED IMPROVEMENTS TO THE RIVER AUX RAISIN.

This drainage work is to commence or head at the north side of the road allowance between concessions 7 and 8, in the Township of

of Osnabruck, at stake marked 654, planted directly across said road allowance, from a point 245 feet easterly of the line between lots 15 and 16, in the seventh concession, thence south-easterly along the line staked out a distance of 700 feet to where the watercourse has been improved; thence southerly along the said watercourse and river to the lower end of a cut 325 feet long on the west half of lot 13, in the sixth concession of the Township of Cornwall owned by one Wheeler, about 200 feet west of the centre line of said lot. This watercourse and part of the river shall be cleaned out and improved in strict accordance with the plan and profile attached hereto, and these specifications, side slopes 1 to 1 on both sides, except at the following named places: Grant's bridge, Wheeler's cut, which shall be 1 and one-half to one on each side.

The bottom widths in the Township of Osnabruck shall be as follows:—Three feet from the head through the seventh concession and across the concession road, three and one-half feet through the north half of the sixth concession, four feet through the south half of the sixth concession and across the concession road; four and one-half feet through the fifth concession to a point 1,800 feet north of the north boundary of the given road in said concession; thence five feet to and across the side road, between lots 13 and 14; six feet to Dixon's creek junction; eight feet to Shaver's creek junction; eight and a half feet to Werley creek junction; nine feet to the east end of the cut on the east half of lot 2 in the third concession, and ten feet to and across the town line between Osnabruck and Cornwall.

The bottom widths in the Township of Cornwall shall be as follows:—Ten feet from the boundary between Osnabruck and Cornwall to a point 200 feet west of the line between lots 31 and 32 in the seventh concession; thence thirteen feet to Stony creek junction, seventeen feet to and across the side road between lots 24 and 25 in the sixth concession, and twenty feet to the outlet.

In Osnabruck the earth and other material taken from said drainage work, shall be disposed of as follows, except when cuts are made:—In the 6th and 7th concessions, cast one-half on each side, keep back five feet from the edge of the finished drain, and grade evenly over a space of fifteen feet in width on each side; through the 5th concession to the side road between lots 13 and 14 cast one-half on each side, keep back five and one-half feet from the edge of the finished drain and grade evenly over a space seventeen feet in width on each side. From said side road between lots 13 and 14 to lot 10, cast one-half on each side, keep back six feet from the edge of the finished drain and grade evenly over a space of twenty feet in width on each side. From the west side of said lot 10 to the Osnabruck-Cornwall town line, cast one-half on each side, keep back six and one-half feet from the edge of the finished drain and grade evenly over a space of twenty-one feet in width on each side.

In Cornwall the material taken from said drainage work shall be disposed of as follows, except where cuts are made:—From the town line between Osnabruck and Cornwall easterly 3,500 feet to the big channel, cast one-half on each side, keep back eight feet from the edge of the finished drain, and grade evenly over a space of twelve and one-half feet in width on each side. From the west end of said big channel to the centre line of lot 19, in the 7th concession at the head of McGillis rapids, cast one-half on each side, keep back eight feet from the edge of the finished drain, and grade evenly over a space of fifteen feet in width on each side; thence through McGillis rapids to a point 550 feet south of the southerly limit of the given road, known as the north river road, cast one-half on each side, keep back eight feet from the edge of the finished

drain,

drain, and spread evenly over a space of twenty-five feet in width on each side. Where rock is found, cast one-half on each side, keep back four feet from the edge of the finished drain and pile up in a continuous row on each side. The space to be occupied by the earth and other material taken from said drain shall be cleared of all timber, brush and rubbish of every description before any of the earth or other material is cast out at that place by taking it from said space and putting it back on the same lot as taken from. All road and private drains and creeks leading into the channel shall be kept clear.

In all cases where cuts are made in either township, the excavated material shall be removed from the edge of the drainage work such a distance as will correspond with the placing of the excavated material above and below respectively and shall be spread evenly over a space not exceeding fifty feet on each side.

The cuts to be made in the Township of Cornwall are as follows commencing at the outlet and going westerly:—

No. 1. The Wheeler cut—This commences at a point in the river 200 feet westerly from the centre line of lot number 13 in the sixth concession; thence westerly by an easy curve 325 feet to the channel of the river, when it turns in a southerly direction, and where Mr. Wheeler has now a breakwater erected.

No. 2. Commences on the north bank of the river, opposite side lines lots 19 and 20, fourth concession and fifth range; thence in a westerly direction by an easy curve removing the bend on the north bank of the river.

No. 3. Leaves the river a short distance below the location of three trees growing in a depression south of the given road, known as the north river road; thence with an easy curve between a clump of evergreens on the west and a single evergreen on the east across the river channel and across the north river road and up to the rapid proper a distance of one hundred and twenty feet from the north side of the river road.

No. 4. Is a short distance above the centre line of lot 19, in the seventh concession, where the stream turns to the north; thence almost straight across a distance of 310 feet to the river channel, thus cutting off the bend in the river immediately above the head of McGillis rapids.

No. 5. Starts a short distance below the boundary between lots 19 and 20 in the seventh concession, where the river makes a turn to the north, the south side of a mound upon this neck of land and extends with an easy curve to where there are a stump and clump of trees, and thence to the channel of the river.

No. 6. Is a small cut 300 feet in length, on the west half of lot 22, in the sixth concession.

No. 7. Is a cut about 570 feet in length across the neck of southerly bend in the river on the centre line of lot 23 in the seventh concession.

No. 8. Is a cut 410 feet in length across the neck of a southerly bend in the river on lot 24 in the seventh concession, and slightly straightening the river up and across the Mille Roches road.

No. 9. This cut lying just east of the junction of Stony creek with the river, extends 580 feet across the southerly bend of the river, almost in a straight line to the channel of the river on lot

28 in the seventh concession, where the stream turns west towards the Ottawa and New York Railway bridge.

No. 10. This cut is 560 feet in length, leaves the channel a short distance west of the Ottawa and New York Railway bridge, and cuts off two bends of the river, one to the north and one to the south on Gore lot, between lots 28 and 29 in the sixth concession, striking the channel of the river at the easterly boundary of said lot 29.

The cuts to be made in the Township of Osnabruck are as follows:—

No. 1. Beginning on the east half of lot 2, in the third concession, extending across the neck of the south bend of the river, 930 feet, crossing the unopened concession road into the fourth concession at a distance of 520 feet from the point of commencement.

No. 2. This cut extends across the road allowance between lots 6 and 7 in the fourth concession where the river bends southerly, and is 210 feet in length.

These cuts in the Township of Cornwall and also in Osnabruck are staked out on the ground for the more accurate description of the course the drainage work is to take at these places, and also for the guidance of the contractor or contractors.

In the Township of Osnabruck in all places where the watercourse or stream is not clearly defined, the course of the drainage work shall be staked out by the engineers and the course thus selected shall be the course in which the drainage work must be constructed. The stakes planted upon the ground showing the course of the drainage work throughout, shall, when required, at intervals of 100 feet clearly indicate the depth to which the drainage work shall be excavated for the guidance of the contractors, also for the assistance of the inspectors upon the final inspection of the work.

These stakes must be placed in such a position relative to the bench marks as to enable the engineers to ascertain whether such stakes have been disturbed or not.

And whereas, the said council are of opinion that the said work of alteration, enlargement and improvement is desirable, and

Whereas, the amount to be contributed towards the said work by the Township of Osnabruck is the sum of $28,940.00; by the Township of Cornwall, $17,744.82; and the Township of Roxborough, $1,849.18;

Therefore, the said municipal council of the said Township of Osnabruck, pursuant to the provisions of *The Municipal Drainage Act* and amendments thereto, enacts as follows:—

1. The report, plan, profile, specifications, assessment and estimates of T. H. Wiggins, Esq., O. L. S., are hereby abandoned, and the by-law adopting the same shall be allowed to lapse and the drainage scheme therein authorized, shall be, and the same is hereby entirely set aside, and the said report, plan, profile, specifications, assessments and estimates of Finlay D. McNaughton and James S. Laird, are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2. The reeve of the said Township of Osnabruck may borrow on the credit of the corporation of the said Township of Osnabruck the sum of $28,940.00, being the said municipality's proportion of the funds necessary for the said work, and may issue debentures of the corporation to that amount, in sums of not less than fifty dollars each, and payable within thirty years from the date thereof, with interest at the rate of four and a-half per cent. per annum, that is to say:—In thirty equal annual instalments, each to cover a portion of the debt and interest, such annual instalments to be of such amount that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest in each of the other years; such debentures to be payable at the Molsons Bank, in the Village of Wales, and to be without coupons.

3. For paying the sum of $12,679.89, [the amount charged] against the said lands and roads for benefit, and the sum of $25,301.39, the net amount charged against the said lands and roads for benefit and outlet liability, (after deducting allowance for previous assessment) apart from lands and roads belonging to and controlled by the municipality, and for covering interest thereon for thirty years at the rate of four and one-half per cent. per annum, the following total special rates, over and above all other rates, shall be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot and part of lot respectively, shall be divided into thirty equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year for thirty years after the final passing of this by-law, during which the said debentures have to run.

Schedule

Schedule of Lots and Parts of Lots and Roads in the Township of Osnabruck, assessed for the Alteration, Enlargement and Improvement of the River Aux Raisin, together with the amount which each Lot and Part of Lot and Road shall bear and pay towards the said Alteration, Enlargement and Improvement.

Concession.	Lot.	Acres.	Name of Owner.	Assessment for benefit.	Assessment for outlet liability.	Allowance for previous assessment.	To cover interest for 30 years, 4½ per cent.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
3	Pt. S F R	25	S Winters	17 90	14 65	3 00	24 75	54 30	1 81
3	Pt. A N F R	25	G Thompson	37 40	30 10	12 00	46 80	102 30	3 41
3	S pt. E ½ 1	37	C. Millards	1 00	14 65	.....	13 15	28 80	96
3	Pt. E ½ 1	18	G. Thompson	4 90	21 95	.....	22 65	49 50	1 65
3	E ½ L N F R	50	J C. Fulton	169 60	60 95	20 00	177 35	387 90	12 93
3	S Pt. W ½ 1	68	J. Doran	4 90	40 65	5 00	34 15	74 70	2 49
3	N pt. W ½ 1	32	Mrs. J. Andrews	56 90	39 00	4 00	77 30	169 20	5 64
3	N pt. E ½ 2	68	Mrs. J. Andrews	52 05	48 80	8 50	77 75	170 10	5 67
3	3-5 W ¼ W ½ 2	30	J. N. Shaver	1 75	21 95	6 00	15 00	32 70	1 09
3	W 1-5 W ½ 2	20	E. Mattice	58 55	24 40	10 00	61 45	134 40	4 48
3	N ¼ W ½ 3	75	E. Mattice	11 65	54 45	1 00	54 90	120 00	4 00
3	N ¼ E ¼ 4	25	W. T. Shaver	30 10	17 90	4 00	37 00	81 00	2 70
3	W ½ 4	100	O. Doran	5 50	68 30	1 00	61 30	134 10	4 47
3	S ½ N ½ 5	50	J Adams	70	8 15	2 00	5 75	12 60	42
3	Pt. 5	4	A Gardner	40	4 90	25	4 25	9 30	31
3	Pt. 5	4	Mrs. N. Gardner	40	4 90	25	4 25	9 30	31
3	N pt. 6	42	W. T. Shaver	4 10	43 05	60	39 25	5 80	2 86
3	N ¼ E ¼ 6	25	W. T. Shaver	2 45	30 10	40	26 95	59 10	1 97
3	S ½ N ½ S ½ 6	25	J. Adams	1 00	13 00	.....	11 50	25 50	85
3	Pt. 6	37	J Anderson	2 55	31 70	.....	28 75	63 00	2 10
3	Pt. 6	6	W. Haggerty estate	60	7 35	1 00	5 95	12 90	43
3	Pt. 6	½	Miss A Wood	5	60	.....	55	1 20	4
3	Pt. 6	1	J Gillespie	10	1 20	.....	1 10	2 40	8
3	Pt. 6	½	A. Shaver	5	60	.....	55	1 20	4
3	Pt. 6	1	J. C. Ault	10	1 20	.....	1 10	2 40	8
3	Pt. 6	½	W. A. Markell	7	80	.....	63	1 50	5
3	Pt. 6	½	A. Irwin	3	35	.....	52	90	3

3 Pt. 6

Schedule of Lots and Parts of Lots and Roads in the Township of Osnabruck.—*Continued.*

Concession.	Lot.	Acres.	Name of Owner.	Assessment for benefit.	Assessment for outlet liability.	Allowance for previous assessment.	To cover interest for 30 years, 4½ per cent.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
3	Pt. 6	½	J. Doran	5	60		55	1 20	4
3	Pt. 6	½	Lun. Ch. Fac.	5	60		55	1 20	4
3	Pt. 6	33¾	H. Winters	40	4 55		4 05	9 00	30
3	Pt. 6	1	F. Grant	10	1 50		1 40	3 00	10
3	N ½ S ½ 7	50	C. Helmer	1 45	17 90		16 35	35 70	1 19
3	Pt. 7	32	J. Bush	3 15	39 00		35 55	77 70	2 59
3	Pt. 7	3	M. Coulthart	25	3 60		3 35	7 20	24
3	Pt. 7	½	M. Morgan	5	60		55	1 20	4
3	Pt. 7	½	W. J. Collons	5	60		55	1 20	4
3	Pt. 7	½	G H. Shaver	5	60		55	1 20	4
3	Pt. 7	½	P Murphy	5	60		55	1 20	4
3	Pt. 7	½	H Fetterley	5	60		55	1 20	4
3	Pt. 7	½	C Eamon	5	60		55	1 20	4
3	Pt. 7	½	Mrs. A. Alguire	5	60		55	1 20	4
3	Pt. 7	1	I Shaver	10	1 20		1 10	2 40	8
3	Pt. 7	¼	B. Tinkiss, est	3	35		22	60	2
3	Pt. 7	½	T. Gillis	5	60		55	1 20	4
3	Pt. 7	½	R. E. Ault	5	60		55	1 20	4
3	Pt. 7	¼	W. A. Markell	3	30		27	60	2
3	Pt. 7	30	S Hough	2 95	36 60		33 35	72 90	2 43
3	Pt. 7	1	F Dishaw	10	1 20		1 10	2 40	8
3	N ½ W ½ 7	25	I. Tinkiss	2 35	29 25		26 60	58 20	1 94
3	S 3-5 N ½ E ½ 8	30	D. Tinkiss	2 90	24 40		23 10	50 40	1 68
3	N 1-5 E ½ 8	19	Miss A. Wood	1 85	23 60		21 35	46 80	1 56
3	N ½ W ½ 8	50	I. Stata	3 00	38 20		34 70	75 90	2 53
3	N ½ E ½ 9	50	I. Stata	70	8 10		7 40	16 20	54
4	S 7-10 A	15	J D. McLennan	37 25	14 60	10 00	35 25	77 10	2 57
4	N 3-10 A	15	J. Cleary	1 20	17 90		16 00	35 10	1 17
4	Pt. 1	197	D. R. McMillan	142 30	239 85	35 00	292 45	639 60	21 32

4 N W 3 of 1

4 N W 3 ac 1	3	P.	A. Werley	30							
4 S ½ 2	100	F.	Werley	121 95	3 65		3 25	7 20		24	
4 Pt. N ½ 2	82½	A.	Werley	13 40	121 95	15 00	192 60	421 50		14 05	
4 Pt. N ½ 2	12½	G.	A. Runions	2 00	100 00		95 40	208 80		6 96	
4 Pt. 2	2½	P.	Werley	40	14 65		13 95	30 60		1 02	
4 Pt. 2	2½	W.	McGillivray	40	2 45		2 25	5 10		17	
4 E ½ 3	100	C.	Bradshaw	42 65	2 45		2 25	5 10		17	
4 S 17-20 W ½ 3	84	A.	Duvall	101 65	121 95		138 70	303 30		10 11	
4 S 17-20 E ½ 4	84	A.	Duvall	180 50	102 45	50	161 40	375 00		12 50	
4 N 3-20 E ½ 4	15	D.	Grey	2 45	102 45	50	237 75	520 20		17 34	
4 N 3-20 W ½ 3	15	D.	Gray	2 45	17 90		17 15	37 50		1 25	
4 W ½ 4	100	J.	S. Moke	323 60	17 90		17 15	37 50		1 25	
4 E ½ 5	100	J.	McPherson	293 50	121 95	1 00	374 45	819 00		27 30	
4 S ½ W ½ 5	37½	J.	N. Shaver	79 70	121 95	1 00	349 05	763 50		25 45	
4 S ½ E ½ 6	37½	J.	N. Shaver	65 85	44 70		104 80	229 20		7 64	
4 N ½ W ½ 5	63	W.	Werley	108 95	44 70		93 15	203 70		6 79	
4 N pt. 5	81½	E.	Bush	123 60	76 40		156 05	341 40		11 38	
4 Pt. S ¼ W ½ 6	24	W.	Kirkpatrick	4 90	104 85		192 45	420 90		14 03	
4 N ½ S ¼ 6	50	P.	Ruport	48 75	29 30		28 80	63 00		2 10	
4 Pt. 6	1	P.	Ruport	20	61 00	1 00	91 65	200 40		6 68	
4 Pt. 6	½	Me.	Ch.	5	1 20		1 30	2 70		9	
4 Pt. 6	1	T.	Gillis	10	60		55	1 20		4	
4 S ½ E ½ 7	50	A.	Shaver	10 15	1 20		1 10	2 40		8	
4 N pt. 7	62½	J.	Ruport	28 45	61 00		59 95	131 10		4 37	
4 Pt. 7	2½	Presby.	Man.	40	75 60	5 00	83 35	182 40		6 08	
4 Pt. 7	3½	E.	Loucks	80	2 45		2 55	5 40		18	
4 Pt. 7	½	R.	Arbuthnot	10	4 05		4 15	9 00		30	
4 Pt. 7	1¼	I	Loucks	30	60		50	1 20		4	
4 Pt. 7	½	W.	Dishaw	10	1 60		1 70	3 60		12	
4 Pt. lot 7	¼	I.	Stata	3	60		50	1 20		4	
4 Pt. S ½ W ½ 7	50	J	T. Shaver	9 75	35		22	60		2	
4 N 3-10 W ½ 7	30	J	A. Ruport	29 30	61 00	2 00	57 85	126 60		4 22	
4 S ½ E ½ 8	50	I.	Stata	9 75	36 60		55 60	121 50		4 05	
4 N ½ E ½ 8	50	E.	Ruport	10 15	61 00	3 00	57 05	124 80		4 16	
4 S ½ W ½ 8	50	H.	Wood	8 15	61 00	4 00	56 45	123 60		4 12	
4 S 19-50 N ½ W ½ 8	8	S.	Ruport	4 05	61 00	58 35		127 50		4 25	
4 S pt. W ½ 8	29½	J.	Warner	6 10	21 95	4 00	18 50	40 50		1 35	
4 Pt. 8	1	M.	A. Locey	20	36 60		35 90	78 60		2 62	
4 S ½ E ½ 9	50	H.	Wood	6 50	1 25		1 25	2 70		9	
					51 20	3 00	46 10	100 80		3 36	

Schedule of Lots and Parts of Lots and Roads in the Township of Osnabruck.—*Continued.*

Concession.	Lot.	Acres.	Name of Owner.	Assessment for benefit.	Assessment for outlet liability.	Allowance for previous assessment.	To cover interest for 30 years, 4½ per cent.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
4	Pt. 9	20	Miss A. Helmer	20	2 45		2 15	4 80	16
4	N ½ E ½ 9	25	S. Ruport	5 50	30 05	10 00	21 55	47 10	1 57
4	W ½ N ½ E ½ 9	25	W. E. Ruport	5 50	30 05	4 00	26 65	58 20	1 94
4	E ½ N 4-5 W ½ 9	25	W. Ruport	5 50	30 05		29 85	65 40	2 18
4	W ½ N 4-5 9	50	R. Bender	38 60	61 00		84 00	183 60	6 12
4	Pt. 10	95	J. Doran	95 10	115 45	25 00	156 20	341 70	11 39
4	S 3-5 W ¼ 10	30	F. Bryan	40 65	21 15		51 90	113 70	3 79
4	N pt. 10	75	A. Ruport	83 75	91 85	15 00	135 40	296 10	9 87
4	N ½ S ½ E 2-5 11	20	F. Bryan	26 85	17 90		37 75	82 50	2 75
4	N ½ S ½ W 3-5 11	30	J. H. Fetterley	30 05	26 00		47 20	103 20	3 44
4	N ½ S ½ 11	50	J. G. Murray	111 35	54 50	50 00	97 55	213 30	7 11
4	N ½ 11	50	A. Ruport	135 75	54 50	50 00	118 05	258 30	8 61
4	N ¾ E ½ 12	75	H. Bush	126 00	73 20	50 00	125 60	274 80	9 16
4	W ½ 12	100	J. J. Shaver	144 70	76 45	50 00	144 15	315 30	10 51
4	E ½ 13	100	Mrs. J. Empey	144 70	84 55	50 00	150 75	330 00	11 00
4	W ½ 13	100	G. Gove	117 05	83 75	50 00	127 00	277 80	9 26
4	N ¾ E ½ 14	75	Kerr Est	130 05	81 30	50 00	135 95	297 30	9 91
4	N ¾ W ½ 14	75	E. Rombough	113 80	81 30	50 00	122 20	267 30	8 91
4	N ¾ E ½ 15	75	Kerr Est	55 25	80 50	25 00	93 25	204 00	6 80
4	N ½ S ½ W ½ 15	25	H. Hutchins Est	22 75	27 65		42 30	92 70	3 09
4	N ½ W ½ 15	50	Kerr Est	64 25	54 50	15 00	87 35	191 10	6 37
4	N ¾ E ½ 16	75	J. B. Poabst	126 00	21 15	50 00	81 95	179 10	5 97
4	N ¾ W ½ 16	75	G. E. Warner	192 70	74 80	50 00	183 00	400 50	13 35
4	Pt. 17	17	L. Rombough	13 80	19 50		27 90	61 20	2 04
4	Pt. 17	36	Mrs. J. L. Shaver	31 70	39 85		60 15	131 70	4 39
4	Pt. 17	26	A. Markell	35 75	28 45		54 00	118 20	3 94
4	N ¼ 17	50	W. Green	77 25	54 45	20 00	94 10	205 80	6 86
4	Pt. 18	10	J. Brownell	4 85	10 60		13 05	28 50	95
4	Pt. 18	6	A Warner	2 95	6 50		7 95	17 40	58
4	Pt. 18								

4 Pt. 18	16	Mrs. J. L. Shaver	3 40	8 15		9 75	21 30		71
4 Pt. 18	26	A. Markell	7 80	17 90		21 70	47 40	1	58
4 N ¼ 18	50	W. Green	36 60	53 65	10 00	67 65	147 90	4	93
4 Pt. Commons	2	J. Alguire	50	1 10		1 40	3 00		19
4 Pt. Commons	2	J. Beckstead	1 00	2 20		2 80	6 00		20
4 Pt. Commons	8	G. Morgan	13 80	8 95	10 00	9 65	22 40		78
4 Pt. Commons	1	M. Dunbar	3 65	1 10		3 95	8 70		29
4 N pt. 19	56	G. Morgan	47 15	61 80	20 00	74 85	163 80	5	46
4 N pt. 20	56	E. Shaver	33 30	61 80		80 10	175 20	5	84
4 N pt. E ½ 21	28	J. Clark	17 05	30 90		40 25	88 20	2	94
4 N ½ E ½ W ½ 21	25	H. Warner	8 95	16 25		21 30	46 50	1	55
5 S ½ A	25	S. Salmon	5 50	30 05	2 50	27 85	60 90	2	93
5 N ½ A	25	J. McEwen	5 50	30 05	4 00	26 65	58 20	1	94
5 S ½ 1	100	W. E. Werley	20 35	121 95	10 00	111 30	243 60	8	12
5 N ½ 1	100	J McEwen	20 35	121 95	5 00	115 60	252 90	8	43
5 Pt. 2	198	W. A. Werley	28 05	241 45	10 00	218 40	477 90	15	93
5 Pt. 2	2	G. E. Locey	40	2 45		2 55	5 40		18
5 S ½ E ½ 3	50	A. W. Werley	6 10	61 00	5 00	52 20	114 30	3	82
5 N ½ E ½ 3	50	E. Bush	10 15	61 00	2 00	58 35	127 50	4	25
5 S pt. W ½ 3	40	H. Shaver	8 15	48 75	7 50	41 70	90 90	3	02
5 N pt. W ½ 3	33	S. Shaver	6 90	40 65	4 00	36 55	80 10	2	67
5 N ½ W ½ 3	25	J. H. Shaver	5 50	30 05	3 00	27 45	60 00	2	00
5 N ¼ 4	45	J. H. Shaver	9 15	54 45	5 00	49 40	108 00	3	60
5 S 3-10 4	60	H. Shaver	8 15	73 15	5 00	64 10	140 40	4	68
5 N 3-5 S ¾ 4	99	S. Shaver	19 50	113 80	7 00	106 20	232 50	7	75
5 Pt. N ¼ 4	3	C. Bartell	1 65	6 10		6 65	14 40		48
5 N ¼ 5	50	J. H. Shaver	16 25	61 00	7 00	59 05	129 30	4	31
5 N ¾ S ¾ 5	100	S. Shaver	21 95	121 95	9 00	113 50	248 40	8	28
5 S ¼ 5	47	H. Shaver	9 55	56 90	5 00	51 65	113 10	3	77
5 Pt. S ¼ 5	3	C. Bush	60	1 65		1 95	4 20		14
11 Pt. 5	¼	Ont. Ch. Fact.	5	30	35	25	60		2
11 Pt. 5	¼	D. Gray	5	15	20	10	30		1
11 Pt. 5	¼	Wm. Gray	5	30	35	25	60		2
5 Pt. 6	4	Miss L. Cook	80	5 00	5 80	5 00	10 80		36
5 Pt. 6	194¾	J C. Stata	51 20	237 40	15 00	230 40	504 00	16	80
5 S 4-5 7	78	J. Adams	39 00	95 10	2 00	111 20	243 30	8	11
5 N 7-15 S ¾ 7	70	J. Rombough	21 15	85 33	3 00	87 00	190 50	6	35
5 N ¼ W ½ 7	25	R. Wadell	8 15	30 05	8 00	25 20	55 50	1	85
5 N ¼ E ½ 7	23	C. Dixon Est	7 75	27 65	8 00	23 00	50 40	1	68

5 Pt 7

Schedule of Lots and Parts of Lots and Roads in the Township of Osnabruck.—*Continued.*

Concession.	Lot.	Acres.	Name of Owner.	Assessment for benefit.	Assessment for outlet liability.	Allowance for previous assessment.	To cover interest for 30 years, 4½ per cent.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c	$ c	$ c.
5	Pt. 7	½	J. H. Warren	10	60	70	50	1 20	4
5	Pt. 7	½	D. Gray	10	60	70	50	1 20	4
5	Pt. 7	½	W. Gray	5	30	35	25	60	2
5	Pt. 7	½	W. H. Eamon	10	60	70	50	1 20	4
5	Pt. 7	½	W. Zeran	15	60	75	45	1 20	4
5	Pt. 7	½	W. H. Wyatt	15	60	75	45	1 20	4
5	Pt. 7	1	J. Dawson Est	30	1 20	1 50	1 50	3 00	10
5	S pt. E ½ 8	72	C. Prosser	45 50	87 80	10 00	103 80	227 10	7 57
5	S ¾ W ¼ 8	75	W. Robb	47 15	91 05	10 00	107 90	236 10	7 87
5	N ¼ W ½ 8	25	J. M. Moke	8 15	30 05	8 00	25 30	55 50	1 85
5	Pt. E ½ 8	20	J. Prosser	6 50	24 40	4 00	22 60	49 50	1 65
5	N pt. E ½ 8	8	Mrs. H. Wyatt	2 60	9 75	2 00	8 85	19 20	64
5	N 4-5 E ½ 9	80	I Moke	43 10	97 55	40 00	84 75	185 40	6 18
5	N pt. W ½ 9	70	I. Moke	25 20	85 35	.....	93 15	203 70	6 79
5	S pt. W ½ 9	30	J. Moke	30 05	36 60	.....	56 05	122 70	4 09
5	S 1-5 W ½ E ½ 9	11	A. Ruport	4 05	14 00	2 50	12 95	28 50	95
5	S 1-5 E ½ 9	10	S. Ruport	15 45	12 20	2 50	21 05	46 20	1 54
5	Pt. 10	26½	J Tinkiss	9 75	31 70	2 00	33 15	72 60	2 42
5	Pt. 10	36	H. C. Ruport	52 00	43 90	25 00	59 60	130 50	4 35
5	Pt. 10	33	J. Moke	12 20	39 85	2 50	41 65	91 20	3 04
5	Pt. 10	75	I. Zeran	22 75	91 85	30 00	71 10	155 70	5 19
5	Pt. 10	30	H. Wyatt	12 20	36 60	5 00	36 90	80 70	2 69
5	Pt. 11	9½	J. W. Tinkiss	13 80	9 75	1 00	18 85	41 40	1 38
5	S 3-10 E ½ 11	39½	H. C. Ruport	73 15	32 50	20 00	72 15	157 80	5 26
5	W ¼ (S. F. R.) 11	20	I. Zeran	18 70	21 95	.....	34 35	75 00	2 50
5	E ½ (N. F. R.) 11	60	H. Wyatt	24 35	32 55	15 00	35 20	77 10	2 57
5	Pt. 11	80	J. C. Haun	52 00	87 80	5 00	113 60	248 40	8 28
5 W ½ 12	Pt. 12	‡	J. J. Moke	15	40	.....	35	90	3

5	W ½ 12	100	C. Wyatt	118 70	138 20	25 00	195 30	427 20	14 24
5	S ½ E ½ 13	25							
5	E ½ 12	99½	I Moke	101 65	109 75	30 00	152 80	334 20	11 14
5	Pt. 13	125	J. Wyatt	142 90	137 40	35 00	207 30	453 60	15 12
5	N ½ W ½ 13	50	W. Brown	24 40	54 50	3 00	63 90	139 80	4 66
5	S ½ 14	98½	Miss M. Servais	219 50	106 75	40 00	241 15	527 40	17 58
5	N pt. 14	74	A. J. Haines	24 40	81 30	15 00	76 40	167 10	5 57
5	S ½ N ½ E ½	25	W. Hillister	12 20	27 65	.....	33 65	73 50	2 45
5	Pt. 14	1½	J. Eamon	75	1 65	.....	2 10	4 50	15
5	E ½ 15	100	A J. Haines	117 05	109 75	25 00	169 90	371 70	12 39
5	W ½ 15	100	M. Otto	104 05	109 75	20 00	153 20	357 00	11 90
5	E ½ 16	100	W. Hesson	81 30	109 75	15 00	148 25	324 30	10 81
5	S 3-5 E ½ W ½ 16	30	M. Otto	30 90	32 75	5 00	49 35	108 00	3 60
5	S 2-5 E ½ W ½ 16	20	M. Fetterly	8 95	21 95	5 00	21 80	47 70	1 59
5	S 3-5 W ½ 16	30	J Hill	28 45	32 75	7 00	45 70	99 90	3 33
5	N 2-5 W ½ 16	20	S. Warner	12 20	21 95	3 00	26 15	57 30	1 91
5	S ½ E 3-10 17	30	J. Hill	30 90	32 75	10 00	45 05	98 70	3 29
5	W ½ (SFR.) 17	33	J Beckstead	39 85	35 75	10 00	55 30	120 90	4 03
5	Pt. 17	137	A. Waldroff	230 05	127 65	50 00	259 00	566 70	18 89
5	E ½ 18	100	J. McLean	243 90	109 75	50 00	255 55	559 20	18 64
5	W ½ 18	100	H. Warner	237 40	109 75	50 00	250 35	547 50	18 25
5	Cen. Commons	50	J Warner	211 35	95 95	40 00	224 70	492 00	16 40
5	Pt. 19	38							
5	Pt. 19	2	S. L. Morgan	1 30	2 45	.....	3 15	6 90	23
5	Pt. 19	½	Bay Ch.	50	80	.....	2 90	4 20	14
5	Pt. 19	1½	A. Warner	1 00	1 60	.....	5 80	8 40	28
5	Pt. (N. F. R.) 19	55	F. Ferguson	35 75	60 15	20 00	63 90	139 80	4 66
5	N ½ 19	102½	J. N. Campbell	215 45	112 20	35 00	246 15	538 80	17 96
5	E ½ (S. F. R.) 20	24	W F. Alguire	16 25	26 00	.....	35 15	77 40	2 58
5	W ½ (S. F. R.) 20	75	S Warner	45 50	82 10	15 00	94 70	207 30	6 91
5	S 2-5 N ½ 20	40	A. Alguire	24 40	43 90	4 00	54 20	118 50	3 95
5	N 3-5 N ½ 20	60	M. Baker	61 80	65 85	4 00	104 05	227 70	7 59
5	S ½ 21	175	J Neville, Sr.	52 85	162 60	25 00	159 95	350 40	11 68
5	N ½ E ½ 21	12½	L. Alguire	5 70	9 75	.....	13 05	28 50	95
5	Pt. E ½ (S. F. R.) 22	40	N. Milross	13 80	43 90	.....	48 50	106 20	3 54
5	Pt. 22	4	W. Milross	2 45	4 05	.....	5 50	12 00	40
5	Pt. 22	42½	J. Neville, Sr.	50	80	.....	1 10	2 40	8
5	S ½ W ½ 22	50	J. Neville, Jr.	13 80	54 50	.....	57 40	125 70	4 19
5	S ½ 23	100	E. Runions	30 90	52 85	.....	70 45	154 20	5 14

Schedule of Lots and Parts of Lots and Roads in the Township of Osnabruck.—*Continued.*

Concession.	Lot.	Acres.	Name of Owner.	Assessment for benefit.	Assessment for outlet liability.	Allowance for previous assessment.	To cover interest for 30 years, 4½ per cent.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
6 S	½ A	25	T. Shaver	4 85	25 20		25 45	55 50	1 85
6 S	½ N ½ A	12½	H. Shaver	4 05	12 20		13 75	30 00	1 09
6 N	¼ A	11½	J. R. Arbuthnot	3 75	11 40	2 50	10 75	23 40	73
6 N	¼ 1	46	J. R. Arbuthnot	15 05	46 35		51 40	112 80	3 75
6 S	pt. N ¼ E ¼ 2	9	J. R. Arbuthnot	2 95	8 95		10 00	21 90	72
6 S	½ N ½ 1	50	H. Shaver	16 25	50 40	2 50	53 75	117 90	3 93
6 S	½ N ½ E ¼ 2	12½	H. Shaver	4 05	12 20	2 50	11 45	25 20	84
6 S	½ E ½ 1	25	T. Shaver	5 25	25 20		25 35	55 80	1 86
6 S	½ E ¾ W ¾ 1	50	H. Poabst	12 20	50 40		52 30	114 90	3 83
6 S	½ W ½ 1	25	C. Poabst	6 10	25 20		26 30	57 60	1 92
6 S	½ E ½ 2	25	C. Poabst	6 10	25 20		26 30	57 60	1 92
6 N	pt. E ½ 2	3½	W. Milross	1 15	3 25		3 70	8 10	27
6 E	¾ W ¾ 2	100	M. Grant	26 40	101 65	5 00	103 45	226 50	7 55
6 W	¼ 2	49	G. Waton	13 00	50 40	2 50	51 30	112 20	3 74
6 E	½ 3	100	G. Waton	26 40	101 65	5 00	103 45	226 50	7 55
6 E	½ W ½ 3	50	J. Poabst	14 25	50 40	2 50	52 15	114 30	3 81
6 N	½ W ¼ 3	25	G. Parks	7 65	25 20	2 00	25 85	56 70	1 89
6 S	½ W ½ 2	25	S. Wadell	8 15	25 20	2 00	26 25	57 60	1 92
6 N	¼ E ½ 4	12½	A. Werley	4 05	12 20	2 00	11 85	26 10	87
6 S	½ N ¼ E ½ 4	12½	J. Sheets	4 05	12 20	2 00	11 85	26 10	87
5 S	½ N ¼ E ¼ 4	25	J. Dawson Est	8 15	25 20	2 50	25 85	56 70	1 89
6 S	½ E ½ 4	50	E. Fetterly	13 85	50 40	3 50	51 15	111 90	3 73
6 W	½ 4	99	L. Runions	31 70	100 80	5 00	107 10	234 60	7 82
	Pt. 4	1	M. Eastman	35	1 00		1 05	2 40	8
6 N	pt. E ¾ 5	35	G. & A. Haun	11 35	35 80		39 55	86 70	2 89
6 S	pt. E ¾ 5	50	E. Eamon	17 90	50 40		57 40	125 70	4 19
6 W	½ 5	65	W. Meldrum	21 15	65 85	5 00	68 90	150 90	5 03
6 S	pt. N ½ E ¾ 5	50	E. Eamon	16 25	50 40		56 05	122 70	4 09
6 N	½ E ½ 6	50	E. Fetterly	16 25	50 40	3 50	53 25	116 40	3 88

6 S 9

6 S ½ E ½ 6	50	A. Eamon	16 25	50 40	5 00	51 75	113 40	3 78
6 N pt. W ½ 6	26¾	E. Fetterley	8 95	26 00	1 50	28 05	61 50	2 05
6 S pt. W ½ 6	72⅝	S. Haun	23 60	73 15	5 00	77 15	168 90	5 63
6 Pt. 6	*	N. Fetterley	15	30		45	90	3
6 N 1-5 E ½ 7	20	G. Fyckes	6 50	20 35		22 65	49 50	1 65
6 S 4-5 E ½ 7	80	C. Dixon Est	26 85	81 30	2 50	88 75	194 10	6 48
6 W ½ 7	99	T. Bush	32 55	100 80	2 00	10 45	141 80	5 06
6 Pt. 8	61	B Bush	20 35	61 70	4 00	65 65	143 70	4 79
6 Pt. W ½ 8	99	A Fyckes	32 50	100 80	4 00	108 60	237 90	7 93
6 N 1-10 W ½ 8	10	G Fycke	3 25	9 75	1 00	10 20	22 20	74
6 V (S. F. R.) 8	27	A Fycke	8 95	27 65	1 00	28 20	61 80	2 06
6 Pt. 9	1½	J. J. Jardine	50	1 65		1 75	3 90	13
6 E ½ 9	98½	S J. Haun	31 70	99 20	10 00	101 70	222 60	7 42
6 W ½ 9	100	F. Haun	32 50	101 65	20 00	95 85	210 00	7 00
6 E ½ 10	100	D. H. Herron	32 50	101 65	20 00	95 85	210 00	7 00
6 W ½ 10	100	E. Heron	32 50	101 65	20 00	95 85	210 00	7 00
6 N pt. 11	13	F Zeran	4 90	13 00		15 10	33 00	1 10
6 S pt. E ½ 11	87	J Zeron	26 85	88 60	20 00	80 35	175 80	5 86
6 Pt. 11	2	I. Baker	65	2 00		2 15	4 80	16
6 Pt. W ½ 11	98	C. McGill	25 20	99 20	10 00	96 20	210 60	7 02
6 E ½ 12	50	C McGill	11 40	50 40	10 00	43 60	95 40	3 18
6 W ½ E ½ 12	50	I Baker	12 20	35 00	15 00	27 20	59 40	1 98
6 S ½ N ½ W ½ 12	25	i Baker	8 15	17 05		21 30	46 50	1 55
6 N ½ W ½ 12	25	F Zeran	10 55	25 20	5 00	25 95	56 70	1 89
6 E ½ W ½ N ½ (S. F. R.) 12	10	E Haun	3 25	9 75	5 00	6 70	14 70	49
6 Pt. 12	40	W. Haun	13 80	40 65	15 00	33 15	72 60	2 42
6 N ½ E ½ 13	25	J Thompson	4 90	25 20	10 00	16 80	36 90	1 23
6 Pt. E ½ 13	41	F Haun	12 20	30 90	10 00	27 80	60 90	2 03
6 Pt. E ½ 13	22	W. H. Haun	8 95	21 95	5 00	21 80	47 70	1 59
6 Pt. 13	12	A. McGill	4 90	12 20	1 00	13 60	29 70	99
6 S ¾ W ½ 13	75	A. McGill	24 40	76 40	4 00	81 40	178 20	5 94
6 N ¼ W ½ 13	25	A Ruport	6 00	25 20	5 00	22 10	48 30	1 61
6 N ½ 14	50	A Ruport	12 20	50 40	10 00	44 30	96 90	3 23
6 N ½ E ¾ 15	25	A. Ruport	7 30	25 20	5 00	23 20	50 70	1 69
6 S ½ N ¼ E ½ 14	25	W. Hollister						
6 N ¾ S ¾ W ½ 14	50	W Hollister	21 95	59 35	8 00	61 70	135 00	4 50
6 S ½ E ½ 14	50	A Hollister	20 35	50 40	7 00	53 55	117 30	3 91
6 S ¼ W ½ 14	25	F Collins	10 55	25 20	5 00	25 95	56 70	1 89
6 S ¾ E ½ 15	75	E. Collins	26 85	75 60	12 50	75 65	165 60	5 52

Schedule of Lots and Parts of Lots and Roads in the Township of Osnabruck.—*Continued.*

Concession.	Lot.	Acres.	Name of Owner.	Assessment for benefit.	Assessment for outlet liability.	Allowance for previous assessment.	To cover interest for 30 years, 4½ per cent.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
6	S ½ W ½ 15	33½	E. Collins	13 80	33 35	7 00	33 95	74 10	2 47
6	S ½ E ½ 16	16¾	E. Collins	6 50	16 25	.....	19	42 00	1 40
6	N ½ W ½ 15	66¾	J. J. Otto	38 20	66 65	5 00	84 05	183 90	6 13
6	N ½ E ½ 16	33½	J. J. Otto	19 50	33 35	5 00	40 35	88 20	2 94
6	N ½	75	J. J. Otto	162 60	76 40	30 00	175 90	384 90	12 83
6	Pt. W ½ 16	43	W. Hollister	26 85	43 10	18 00	43 75	95 70	3 19
6	Pt. W ½ 16	32	N. Fetterly	20 35	32 50	12 00	34 45	75 30	2 51
6	N ½ 17	100	J. N. Campbell	194 30	101 60	65 00	194 50	425 40	14 18
6	S ½ 17	100	J. H. Bredin	292 70	101 60	80 00	264 70	579 00	19 30
6	S ½ E ½ 18	50	J. McLean	203 20	61 00	22 00	203 85	446 10	14 87
6	N ½ E ½ 18	50	J. N. Campbell	32 50	61 00	23 00	59 40	129 90	4 33
6	W ½ 18	100	N. McLean	138 20	101 60	40 00	168 30	368 10	12 27
6	Cent. Commons	50	J. A. Warner	48 00	50 40	10 00	74 20	162 60	5 42
6	E ½ S 9-10 19	90	J. A. Hollister	56 10	91 05	20 00	106 85	234 00	7 80
6	N 1-10 E ½ 19	10	G. I. Brownell	6 50	9 75	.....	13 75	30 00	1 00
6	S ½ W ½ 19	75	M. Fetterly	73 15	75 60	20 00	108 25	237 00	7 90
6	S ½ 20	50	J. Fetterly	40 65	24 40	15 00	41 75	91 80	3 06
6	N ½ 20	100	G. H. Campbell	3 25	.....	20 00	.....	.....	.....
7	S ½ A	12	J. Meldrum	13 80	9 75	20 00	.....	.....	.....
6	S ½ 1	64	C. Meldrum	9 75	44 75	.....	48 85	107 40	3 58
6	S ½ 2	65	I. Runions	7 30	44 75	.....	49 30	103 85	3 46
6	S ½ 3	67	A. J. Werley	9 75	53 65	.....	51 25	112 20	3 74
6	S ½ E ½ 4	33	W. Hoopler	8 15	26 85	.....	30 90	67 50	2 25
6	S ½ W ½ 4	33	J. Shaver	7 30	21 95	.....	25 40	55 50	1 85
6	S ½ E ½ 5	33	G. Haun	6 50	19 50	.....	22 40	49 20	1 64
6	S ½ W ½ 5	33½	O. Haun	4 05	17 90	.....	20 30	44 70	1 49
6	S ½ E ½ 6	163 5	O. Haun	14 65	10 55	.....	12 40	27 00	90
6	S ½ W ½ 6	50	J. Warner	10 55	39 00	.....	44 75	98 40	3 28
6	S ½ E ½ 7	50	A. Shaver	2 34	27 65	.....	32 00	70 20	2 34

S. pt. W. ½

	S pt. W ½	34	G Grant	12 20	29 25	34 75	76 20	2 54
7 S	½ E ½ 8	50	N. Jardine	13 00	34 15	39 25	86 40	2 88
7 S	pt. W ½ 8	10	J. G. Grant	3 25	8 95	10 30	22 50	75
7 S	pt. E ½ 9	10	J G. Grant	3 25	8 95	10 30	22 50	75
7 N	¾ S 3-5 W ½ 8	30	G. L. Raymond	9 75	26 85	30 90	67 50	2 25
7 N	4-5 S ½ E ½ 9	40	G L. Raymond	13 00	35 75	40 65	89 40	2 98
7 N	1-5 S ½ W ½ 8	10	A. Zeron	2 45	6 50	7 55	16 50	55
7 S	½ W ½ 9	50	A. W. Raymond	15 45	43 10	48 85	107 40	3 58
7 S	½ E ½ 10	50	W. Jardine	15 45	43 10	48 85	107 40	3 58
7 S	½ W ½ 10	75	I. Helmer	17 05	46 35	53 00	116 40	3 88
7 S	½ 11	100	G. Watson	32 50	81 30	95 60	209 40	6 98
7 S	1-5 N ½ 11	20	I. Helmer	7 30	11 40	15 50	34 20	1 14
7 S	½ E ½ 12	50	J. W. Haun	28 45	44 75	61 80	135 00	4 50
7 S	½ W ½ 12	50	G. B. Countryman	28 45	44 70	4 00	58 00	127 20
7 S	½ N ½ E ¼ 12	12½	J Dawson	7 30	10 60		14 80	32 70
7 S	¾ N ½ W ¾ 12	56	D Duvall	28 45	43 90	15 00	48 25	105 60
7 S	pt. 13	105	T. Countryman	71 55	93 50	30 00	116 65	251 70
7 Pt.	13	95	G S. Stewart	56 90	83 75	20 00	101 35	222 00
7 E	½ 14	100	S. Herron	73 15	89 45	60 00	86 40	189 00
7 W	½ 14	100	J & H. Archibald	280 50	89 45	75 00	248 25	543 30
7 S	½ 15	100	J M. Campbell	345 50	89 45	75 00	303 05	663 00
7 N	½ 15	100	T. Sanderson	390 25	89 45	75 00	340 80	745 50
7 S	⅜ 16	74½	J H. Baker	240 65	72 35	30 00	238 40	521 40
7 N	¼ S ½ 16	25	B. Baker	79 85		21 95	85 70	187 50
7 Pt.	16	¼	N. V. Ch. Fac.	40		50	60	1 50
7 S	½ N ½ 16	50	T Sanderson	144 70	44 75	5 00	155 45	339 90
7 N	½ 16	50	W. A. Rutley	73 15	44 75	30 00	74 10	162 00
7 Pt.	17	169	J. M. Campbell	101 65	151 25	15 00	200 40	438 30
7 Pt.	17	30	J Bancrott	20 30	26 85	10 00	31 25	68 40
7 Pt.	17	1	J. Rivier	70	90		1 10	2 70
7 E	½ 18	100	E H. Wert	56 10	76 40	25 00	90 50	198 00
7 W	½ 18	100	A S. Moke	55 30	74 80	20 00	92 70	202 80
7 Pt.	Con. Commons	12	C Campbell	8 10	10 60	2 50	13 80	30 00
7 N	¾ C. C.	75	W. Campbell	24 40	33 35		48 75	106 50
7 Pt.	E. ½ C. C.	12	I. Brownell	8 15	10 55	2 50	13 80	30 00
7 S	E pt. 19	21	J. Rombough	80	1 80		2 20	4 80
7 Pt.	19	33	E Rombough	13 80	19 50		27 90	61 20
8 S	½ E ½ 13	12½	E. C. Duval	1 35	1 80		2 55	5 70
8 S	½ W ½ 13	12½	R. Vance	5 30	7 30		10 50	23 10

Schedule of Lots and Parts of Lots and Roads in the Township of Osnabruck.—*Continued.*

Concession.	Lot.	Acres.	Name of Owner.	Assessment for benefit.	Assessment for outlet liability.	Allowance for previous assessment.	To cover interest for 30 years, 4½ per cent.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
8	Pt. 14	1	Dr. Munroe	70	90	.....	1 10	2 70	97
8	S ½ E ½ 14	12½	J. W. Rutley	6 90	8 95	.....	13 25	29 10	90
8	S ½ W ½ 14	11½	H. H. Rutley	6 50	8 15	.....	12 35	27 00	90
8	S ½ E ½ 15	25	J. N. Markle	34 95	12 20	15 00	26 95	59 10	1 97
8	S ½ W ½ 15	25	J. S. Markle	42 30	14 60	.....	47 50	104 40	3 48
8	S ¼ (E. F. R.) 16	25	C. Steen	48 80	16 25	15 00	42 05	92 10	3 07
8	S pt. 16	39	W. E. Mattice	.....	.....	.....	.....	.....	.....
			J. W. Mattice	13 80	17 90	.....	26 50	58 20	1 94

ROADS OF MUNICIPALITY OF OSNABRUCK.

	Con. rd. 3 and 4 from boundary to lot 9	10	270 00	9 30	25 00	214 30	468 60	15 32
	Con. rd. 4 and 5 from boundary to west side lot 23	27.1	410 00	34 20	20 00	357 30	781 50	26 [illegible]
	Con. rd. 5 and 6 from boundary to west side lot 20	23.9	396 00	28 50	.....	357 60	782 10	26 07
	Con. rd. 6 and 7 from boundary con. lot 19	22.1	175 40	22 50	40 00	133 10	291 00	9 70
	Con. rd. 7 and 8, lots 13 to 16 inclusive	4.4	92 90	4 30	25 00	61 00	133 20	4 44
3	Side rd. 3 con.	4.1	45	5 40	.....	4 65	10 50	35
3	Given rd. 3rd con.	4.6	80 00	6 30	25 00	51 80	113 10	3 77
4	Side rd. 4th con.	13.7	916 00	17 10	25 00	764 70	1,672 80	55 76
	Given rd. 4th con.	4.6	834 00	6 30	.....	707 40	1,547 70	51 59
5	Side rd. 5th con.	38.5	230 70	42 30	40 00	196 00	429 00	14 30
	Given rd. 5th con.	19.3	62 08	23 00	.....	71 82	156 90	5 23
6	Side rd. 6th con.	53	83 90	58 80	25 00	99 50	217 20	7 24
	Given rd. 6th con	8.7	5 40	10 00	.....	12 80	28 20	94
7	Side rd. 6th con.	15.	10 80	14 75	20 00	4 65	10 20	34
	Given rd. 7th con.							

8 Side rd.

8	Side rd. 8th con.	2.3	23 00	2 00	11 80	11 10	24 30	81
	Given rd. 8th	2.2	90	2 00	.....	2 20	5 10	17
	½ Boundary rd. Osnabruck and Roxborough	.....	.....	33	.....	27	60	2
	½ Boundary rd. Osnabruck and Cornwall	.....	16 60	.....	.....	13 40	30 00	1 00
			15,288 02	15,815 78	3,163 80	24,367 60	53,307 60	1,776 92

Total benefit for lands	$ 12,679 89	
Total outlet for lands	15,528 70	
Total benefit for roads	3,608 13	
Total outlet for roads	287 08	
Total assessment		$ 32,103 80
Allowance for lands	$ 2,907 00	
Allowance for roads	256 80	
Total allowance		$ 3,163 80
Net assessment		$ 28,940 00

For

4. For paying the sum of $3,638.41, the net amount assessed against the lands and roads of said municipality of Osnabruck, (after deducting allowance made for previous assessment) and for covering interest thereon for thirty years at the rate of four and one-half per cent. per annum, a special rate on the dollar, sufficient to produce the required yearly amount therefor, shall over and above all other rates, be levied and collected (in the same manner and at the same time as taxes are levied and collected) upon and from the whole rateable property in the said Township of Osnabruck in each year for thirty years after the final passing of this by-law, during which the said debentures have to run.

This by-law shall be printed, and served or mailed as provided by *The Municipal Drainage Act*, and shall come into force and take effect from the time that same is confirmed by special Act of the Legislative Assembly of Ontario, and may be cited as "The River Aux Raisin Improvement By-law of 1904."

Read a first, second and third time, passed, signed and sealed in open council this twenty-third day of March, A. D. 1904.

F. WARREN,
Reeve.

H. E. HODGINS,
Clerk.

Certified a true copy of By-law No. 11 of the Township of Osnabruck for the year 1904, finally passed this 23rd day of March, 1904.

H. E. HODGINS,
Clerk.

SCHEDULE "B."

BY-LAW NUMBER 702 OF THE TOWNSHIP OF CORNWALL, IN THE COUNTY OF STORMONT, FOR THE YEAR 1904.

A by-law to provide for the improvement of the River Aux Raisin Drainage Work in the Townships of Osnabruck and Cornwall, in the County of Stormont, and for borrowing on the credit of the municipality of the said Township of Cornwall the sum of $17,744.82, being the proportion to be contributed by the said municipality of the Township of Cornwall for completing the same.

Whereas, on or about the nineteenth day of October, A. D. 1883, a by-law of the corporation of the Township of Osnabruck was finally passed adopting the report of George S. Bruce, Esquire, Provincial Land Surveyor, on the River Aux Raisin drainage work, founded on a petition of the parties benefited, under which by-law the work as outlined in the said report was constructed.

And whereas, one John S. Moke, of the said Township of Osnabruck, one of the owners assessed under and by virtue of the said by-law, on the twenty-ninth day of May, A. D. 1899, commenced an action against the corporation of the Township of Osnabruck, in the High Court of Justice for damages to the west half of lot number four, in the fourth concession of the said township, in which action it was on the third day of January, A. D. 1900, ordered and adjudged by Thomas Hodgins, Esquire, the Drainage Referee, that the said John S. Moke should be at liberty to enter judgment against the corporation of the Township of Osnabruck for the sum of $40 damages and costs, and that the corporation of the Township of Osnabruck should within six months of the said third day of January, 1900, take proper proceedings to put the said drainage work in a proper and efficient state of repair.

And whereas, the corporation of the said Township of Osnabruck in order to comply with the said mandatory order, appointed T. H. Wiggins, Esquire, Civil Engineer, to report on what was necessary

to

to put the said drainage work in a proper and efficient state of repair, to alter, enlarge and otherwise improve the same, and to prepare plans, specifications and estimates and to make an assessment of the lands and roads liable to assessment therefor.

And whereas, the said T. H. Wiggins duly made his report dated the ninth day of February, A.D. 1901, which said report was filed with the clerk of the said township and served on the reeves of the municipalities of the Township of Cornwall and Roxborough, in which adjoining townships certain lands and roads were assessed by the report of the said T. H. Wiggins.

And whereas the said corporation of the said Township of Osnabruck, on the sixteenth day of April, A. D. 1901, provisionally adopted a by-law founded on the said report, plans, specifications, assessments, etc.

And whereas, the said report, plans, specifications, estimates and assessments were appealed against by the said Townships of Cornwall and Roxborough, which appeal came on to be heard before J. B. Rankin, Esquire, Drainage Referee, when it was arranged between counsel and with the consent of the referee and the engineer, that the respective assessments between said townships should be in the proportion of Osnabruck $41,408.42; Cornwall $24,242.69 and Roxborough $2,676.39.

And whereas, by-laws of the said Townships of Osnabruck, Cornwall and Roxborough were passed confirming the said basis of assessment so arranged;

And whereas, it was found that under the then existing state of drainage laws in the Province of Ontario, it was impossible to proceed with the said drainage scheme as reported on by the said T. H. Wiggins, and the said Township of Osnabruck, with the consent of the said Townships of Cornwall and Roxborough, has therefore abandoned the said report and scheme therein outlined;

And whereas, the municipal council of the said township of Osnabruck has procured an examination to be made by Findlay D. McNaughton, Esquire, Civil Engineer, of the said River aux Raizin drainage works, having associated with him James S. Laird, Esquire, Ontario Land Surveyor, representing the Legislature of the Province of Onario, who were instructed to report on the improvement, alteration and enlargement of the River aux Raisin, and to prepare a report, plans, profiles, specifications and estimates, and to make an assessment of the lands and roads liable to be assessed for such improvement alteration and enlargement according to the provisions of *The Municipal Drainage Act*, and the amendments thereto.

And whereas, the said Findlay D. McNaughton and James S Laird have made a report and have prepared plans, profiles, specifications, estimates and assessments for the purposes aforesaid, and such assessment so made in so far as it relates to the Township of Cornwall, being the assessment hereinafter by this by-law enacted to be assessed and levied on the lots or parts of lots and roads hereinafter in that part especially set forth and described, and the report of the said Findlay D. McNaughton and James S. Laird in respect thereof and of the said drainage work is as follows:—

[*The Report is printed in full in the By-law of the Township of Osnabruck. See Schedule A.*]

And whereas, the said Findlay D. McNaughton and James S Laird, for reasons assigned in the said report, did assess and charge the lands and roads in the Township of Cornwall the sum of $17,744.82 for benefit alleged to be derived by them for the improvement, alteration and enlargement of the River aux Raisins drainage work in the Townships of Osnabruck and Cornwall for outlet liability for the improvement, alteration and enlargement of the said drainage work.

And whereas, the municipal council of the said Township of Osnabruck did serve upon the head of the municipal council of the Township

Township of Cornwall a copy of the report, plans, profiles, specifications and assessments of the engineer aforesaid in respect of the said drainage work .

And whereas, the said municipal council of the said Township of Cornwall did not appeal, and do not desire to appeal from the said assessment and charge made by the said Township of Osnabruck through the said engineer against the lands and roads of the said Township of Cornwall.

And whereas, the amount to be contributed towards the said drainage work by the said Township of Cornwall as its proportion is the sum of $17,744.82; by the Township of Osnabruck, is the sum of $28,940.00; and the Township of Roxborough, $1,849.18, making a total estimated cost of the said drainage work of $48,534.00.

Therefore, the said municipal council of the said Township of Cornwall, pursuant to the provision of *The Municipal Drainage Act* and the amandments thereto, enacts as follows:—

1. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work, as therein indicated and set forth, shall be made and constructed in accordance therewith.

2. The reeve of the said Township of Cornwall may borrow on the credit of the corporation of that municipality the sum of $17,744.82, being said municipality's proportion of the funds necessary for the River aux Raisins drainage work, and may issue debentures to the corporation to that amount in sums of not less than fifty dollars each, and payable within thirty years from the date thereof with interest at the rate of four and a half per centum per annum, such debentures to be payable at the Bank of Montreal, Cornwall, and not to have attached to them coupons for the payment of interest

3. For paying the sum of $10,508.85, the amount charged against the lands in the Township of Cornwall for benefit, and the sum of $5,133.90, the amount charged against said lands for outlet liability less $815.50 allowances as per the following schedule, no sum being charged against the said lands for injuring liability, and for covering interest thereon for thirty years at the rate of four and a half per centum per annum, the following total special rates over and above all other rates, shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into thirty equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for thirty years after the coming into force of this by-law, during which the said debentures have to run.

Schedule

Schedule showing Assessment in the Township of Cornwall.

No. Range.	Lot and Part of Lot.	Acres.	Name of Owner.	Value of benefit.	Value of outlet liability.	Allowance for previous benefit.	Cover interest.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
4-5	N ½ W ½ 20	25	A. McDonald		85		65	1 50	5
4-5	N ½ E ½ 21	25	G. McDonald		1 85		1 75	3 60	12
4-5	N ½ W ½ 21	25	J Snetsinger		1 25		1 15	2 40	8
4-5	N ½ E ½ 22	25	Wm. Conliff		1 05		75	1 80	6
4-5	N ½ W ½ 22	25	J. Finlayson		1 15		95	2 10	7
4-5	N ½ E ½ 23	25	T. Finlayson		1 45		1 25	2 70	9
3-4	N ½ W ½ 23	25	J Runions		2 10		1 80	3 90	13
3-4	N ½ E ½ 24	25	Noah Froom		1 70		1 30	3 00	10
3-4	N ½ W ½ 24	25	P. Thompson		30		30	60	2
3-4	N ½ E ½ 25	12½	T. Thompson		45		45	90	3
3-4	N ½ W ½ E ½ 25	12½	G. Thompson		60		60	1 20	4
3-4	N 1-10 W ½ 25	10	G Fleming		1 45		1 25	2 70	9
3-4	N ½ 26	50	D. Thompson		14 45		12 25	26 70	89
2-5	N ½ E ½ 27	25	A Brennan		1 80		1 50	3 30	11
2-5	N ½ W ½ 27	50	J Forsythe		16 60		14 00	30 60	1 02
2-5	N ½ 28	100	T. Annable		56 15		47 35	103 50	3 45
2-5	N ½ E ½ 29	25	J. D. Annable		13 50		11 40	24 90	83
2-5	N ½ W ½ E ½ 29	16⅔	Jas Shields		11 95		9 95	21 90	73
2-5	N ½ W ½ 29	33⅓	P Froom		16 00		13 40	29 40	98
2-5	N ½ E ½ 30	12½	C. H. Wood		4 15		3 35	7 50	25
6	Pt. E ½ 16	18	Daniel Heath	5 00			4 30	9 30	31
6	Pt. W ½ 16	29	M McDonald	8 00			6 70	14 70	49
6	Pt. E ½ 17	34	G McDonald	41 25			34 65	75 90	2 53
6	Pt. W ½ 17	40	W McDonald	80 25			67 65	147 90	4 93
6	Pt. E ½ 18	67	W McDonald	140 45			118 15	258 60	8 62
6	Pt. W ½ 18	32	F Valade	64 35			54 15	118 50	3 95
6	Pt. W ½ 19	46	F Valade	128 70			87 40	191 10	6 37
6	Pt. W ½ 19	71	M. McGillis	86 50			72 80	159 30	5 31
6	Pt. 20	47	M McGillis	12 45		10 00	2 05	4 50	15

6 Pt. 21

Schedule showing Assessment in the Township of Cornwall.—*Continued.*

No.	Range.	Lot and Part of Lot.	Acres.	Name of Owner.	Value of benefit.	Value of outlet liability.	Allowance for previous benefit.	Cover interest.	Total special rate.	Annual assessment.
					$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
6		Pt. 20	30	J. McDonald	8 20			6 80	15 00	50
6		S ½ E ½ 21	50	N. A. McDonald	27 20			22 90	50 10	1 67
6		W ½ & N ½ E ½ 21	150	A. Decaire	61 15		6 00	46 55	101 70	3 39
6		22	200	A. McDonald	64 35		10 50	45 45	99 30	3 31
6		E ½ 23	50	J. Heath	36 65		3 00	28 45	62 10	2 07
6		W ½ E ½ 23	50	A. Heath	53 95		3 00	42 95	93 90	3 13
6		W ½ 23	100	A R. McGillis	90 65		6 00	71 35	156 00	5 20
6		E ½ 24	100	D. R. McGillis	90 65			76 45	167 10	5 57
6		E ½ 25	50	J D. McLennan	71 95		2 50	58 35	127 80	4 26
6		N ½ W ½ 24	50	J. D. McLennan	49 15		3 00	38 75	84 90	2 83
6		N ½ 25	150	J. J. McIntosh	168 15		7 50	135 15	295 80	9 86
6		N ½ 26	100	J. J. McIntosh	101 05		6 00	80 15	175 20	5 84
6		E ½ S ½ W ½ 25	50	R. N. Tait	10 40		3 00	6 10	13 50	45
6		S ½ 26	100	G Fleming	42 90			36 00	78 90	2 63
6		E ½ 27	100	I. McPhail	76 10		10 00	55 70	121 80	4 06
6		W ½ 27	100	J. Cleary	79 55		10 00	58 55	128 10	4 27
6		E ½ 28	59¾	D. McGuire	85 80		5 00	68 00	148 80	4 96
6		W ½ E ½ 28	50	Mrs. Moore	71 30		5 00	55 80	122 10	4 07
6		Pt. 28	30	J Lawson	22 85			19 15	42 00	1 40
6		Pt. W ½ 28	62⅝	D. McGillis	80 95		7 00	61 95	135 90	4 53
6		Pt. Gore	50	D. McGillis	49 85		6 50	36 45	79 80	2 66
6		W pt. Gore	145½	T. Connor	137 10		18 00	100 20	219 30	7 31
6		N ½ E ½ 29	59	D. McDonald	69 90		8 50	51 70	113 10	3 77
6		N ½ W ½ 29	50	Mrs. Mary McQuillon	76 10		8 00	57 30	125 40	4 18
6		S ½ 29	100	Toronto Trust & Loan Co.	79 55			66 85	146 40	4 88
6		E ½ 30	100	P. Glancy	83 05		8 50	62 85	137 40	4 58
6		N ½ W ½ 30	46½	H. G. McQuillon	56 75		5 00	43 65	95 40	3 18
6		S ½ W ½ 30	30	J. Cavanagh	27 00		3 00	20 10	44 10	1 47
6		N W pt. 30	3¼	J. Murray	9 70		50	7 60	16 80	56

6 S 8-

6	S 3-5 E ½ 31	60	J. Kemp	107	25	7 00	84 55	184 89	6 16
6	S 2-5 E ½ 31	40	D. Buckley	26	30	2 00	20 40	44 70	1 49
6	W ½ 31	100	J. Buckley	172	30	10 00	136 80	299 10	9 97
6	32	200	G. Hall	316	90	15 00	254 30	556 20	18 54
6	E ½ 33	100	T. Mattice	107	95	14 50	78 75	172 20	5 74
6	W ½ 33	100	S. Moss	107	25	10 00	81 85	179 10	5 97
6	E ½ 34	100	S. Moss	49	15	8 00	34 75	75 90	2 53
6	W ½ 34	100	S. Moss	98	30	8 00	75 90	166 20	5 54
6	E ¼ 35	50	J. Eamon	65	05	4 00	51 45	112 50	3 75
6	W ¼ E ½ 35	50	L. Price	68	50	4 00	54 30	118 80	3 96
6	W ½ 35	100	J. Wort	157	10	8 50	125 00	273 60	9 12
6	N ⅔ E ½ 36	66⅔	J. Eamon	164	70	10 00	130 30	285 00	9 50
6	N ⅔ W ½ 36	75	W. Eamon	193	05	10 00	154 15	337 20	11 24
6	N ¼ E ½ 37	75	J. C. Eamon	210	40	8 00	170 50	372 90	12 43
6	N ¾ W ½ 37	75	J. Fulton	224	10	8 00	182 00	398 10	13 27
6	E ½ S. G. R. 38	54	J. Fulton	17	50		14 60	32 10	1 07
6	W ½ S. G. R. 38	58	S. Winters	19	10		16 00	35 10	1 17
6	N. of G. R. 38	120	G. Thompson	296	85	20 00	233 15	510 00	17 00
7	S ½ W ½ 16	25	D. O'Farrell	2	50		2 00	4 50	15
7	S 2-5 E ½ 17	40	F. O'Keefe	5	25		4 35	9 60	32
7	S 2-5 W ½ 17	40	J. Winters	6	35		5 35	11 70	39
7	S ½ E ½ 18	12½	W. McDonald	3	10		2 60	5 70	19
7	S ½ W ½ E ½ 18	12½	A. Fraser	3	10		2 60	5 70	19
7	S ½ W ½ 18	25	M. McGillis	21	45		18 15	39 60	1 32
7	E ½ S ½ 19	25	M. McGillis	14	55		12 15	26 70	89
7	S ½ W ½ 19	25	J. Dingwall	14	55		12 15	26 70	89
7	Pt. 20	6	L. Gilmore	3	75	3 50	35	60	2
7	E ½ S. G. R. 20	14	J. Gilmore	33	45	8 00	21 35	46 80	1 56
7	S. ½ W ½ 20	42	W. Hart	51	90	12 00	33 60	73 50	2 45
7	E ½ S. G. R. 21	28	J. Heagle	87	90	7 00	68 20	149 10	4 97
7	E ½ N. G. R. 21	14	W. Heagle	8	70	4 00	4 00	8 70	29
7	W ½ S ½ 21	50	J. Pearson	94	10	11 00	69 90	153 00	5 10
7	E ½ S ½ 22	50	D. McPhail	96	20	11 00	71 70	156 90	5 23
7	N ½ W ½ 22	50	A. Lawson	51	20	5 00	29 00	75 20	2 84
7	S ½ W ½ 22	50	P. Leclare	102	40	6 00	81 20	177 60	5 92
7	E ½ 23	100	A. Lawson	101	05	9 00	77 45	169 50	5 65
7	W ½ 23	100	A. McDonald	134	25	9 00	105 45	230 70	7 69
7	Pt. 24	150	J. McGillis	171	60	15 00	132 00	288 60	9 62
7	Pt. 24	2	C. Campbell	1	55		1 45	3 00	10

Schedule showing Assessment in the Township of Cornwall.—*Continued.*

No. Range.	Lot and Part of Lot.	Acres.	Name of Owner.	Value of benefit.	Value of outlet liability.	Allowance for previous benefit.	Cov r interest.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
7	Pt. 24	50	J. D. McIntosh	49 15	.....	10 00	32 85	72 00	2 40
7	E ½ 25	50	J D. McIntosh	41 55	.....	5 00	30 65	67 20	2 24
7	Pt. 25	9	A. McGillis	6 90	.....	.....	5 70	12 60	42
7	W ½ S pt. 25	141	J D. McLennan	137 70	.....	14 00	104 00	227 40	7 58
7	E ½ S. G. R. 26	15	J. D. McLennan	92 65	.....	.....	78 05	170 70	5 69
7	E ½ N. G. R. 26	88	D J. McDonald	66 65	.....	.....	56 05	122 70	4 09
7	W ½ 26	106	D. D. McDonald	78 90	.....	.....	.....	145 20	4 84
7	Pt. 26	43	T. Cleary	49 70	.....	7 00	35 90	78 60	2 62
7	Pt. 27	30	T Cleary	39 45	.....	6 00	28 05	61 50	2 05
7	Pt. E ½ 27	106	D. D. McDonald	80 95	.....	.....	68 15	149 10	4 97
7	Pt. 27	9	D. J. McDonald	8 20	.....	4 00	3 60	7 80	26
7	W ½ 27	91	A. McPhail	16 40	.....	10 00	5 30	11 70	39
7	E ½ 28	100	D. A. A. McDonald	174 70	.....	17 50	132 30	289 50	9 65
7	W ½ 28	100	D. J. McDonald	132 15	.....	17 50	99 55	211 20	7 04
7	E ½ 29	98	J A. McDonald	116 90	.....	15 00	85 90	187 80	6 26
7	W ½ 29	98	S. Wood	97 35	.....	15 00	69 45	151 80	5 06
7	E ½ 30	98½	J. McDonald	87 90	.....	7 00	68 20	149 10	4 97
7	Pt. 30	98½	M. McGillis	80	.....	.....	70	1 50	5
7	Pt. 30	1	C. J. Bush	80	.....	.....	70	1 50	5
7	W ½ N. G. R. 30	49	J J. Cleary	44 95	.....	.....	37 85	82 80	2 76
7	N pt. S. G. R. 30	34	T. Cleary	27 00	.....	.....	22 80	49 80	1 66
7	S pt. W ½ S. G. R. 30 ...	25	F. Cleary	36 65	.....	5 00	26 55	58 20	1 94
7	E ½ 31	98	D. A. McDonald	89 05	22 15	7 00	87 80	192 00	6 40
7	W ½ 31	96¾	Widow McDonald	73 30	28 40	3 00	83 10	181 80	6 06
7	E ½ 32	98	D. McDonald	69 20	32 20	11 00	76 90	168 30	5 61
7	W ½ 32	92½	J. McDonald	122 45	33 90	12 00	121 45	265 80	8 86
7	E ½ 33	95½	Mrs. J. McRae	134 25	54 25	12 00	148 70	325 20	10 84
7	E ½ W ½ 33	50	J. Cleary	86 50	31 95	6 00	94 55	207 00	6 90
7	W ½ 33	50	M. A. Kelly	90 00	33 20	6 00	98 80	216 00	7 20

7 N Pt. 34

7	N pt. 34	165	Dr. Monroe	120 75	67 80	9 00	151 05	330 60	11 02
7	S pt. 34	35	J. Shaver	169 55	.....	13 00	131 75	288 30	9 61
7	E ½ 35	50	Mrs. D. J. McGillis	49 15	27 00	5 50	59 55	130 20	4 34
7	W ½ E ½ 35	50	S. Wood	52 60	27 00	5 50	62 40	136 50	4 55
7	W ½ 35	100	R. Wood	106 75	51 20	11 00	123 65	270 60	9 02
7	36	200	A. McPhail	258 90	101 05	22 50	284 15	621 06	20 72
7	E ½ 37	100	A McPhail	177 15	48 40	15 00	177 30	387 90	12 93
7	Pt. W ½ 37	94	D. McIntosh	174 40	45 65	11 50	175 43	384 00	12 80
7	N pt. W ½ 37	6	H. Eamon	70	5 55	.....	5 15	11 40	38
7	Pt. E ½ 38	106	F. Lee	169 55	50 50	13 00	174 25	381 30	12 71
7	S 3-5 W ½ 38	100	J D. McLennan	103 10	58 15	15 50	122 75	268 50	8 95
7	N pt. E ½ 38	4	J. Cleary	70	4 15	.....	4 15	9 00	30
7	N pt. W ½ 38	41	J. Cleary	6 90	38 75	.....	38 35	84 00	2 80
8	S ¼ E ¼ 24	25	A McGillis	2 05	.....	.....	1 85	3 90	13
8	S ¼ W ¼ 24	25	H A. J. McGillis	9 70	.....	.....	8 30	18 00	60
8	S ½ E ½ 25	50	H. A. J. McGillis	24 90	.....	.....	21 00	45 90	1 53
8	S ½ W ½ 25	50	A J. McGillis	27 00	.....	.....	22 80	49 80	1 66
8	N ½ W ½ 28	12½	A. R. McGillis	1 40	.....	.....	1 30	2 70	9
8	E ½ 26	150	A. R. McGillis	56 05	.....	.....	47 15	103 20	3 44
8	W ½ 26	50	J Hartle	23 50	.....	.....	19 70	43 20	1 44
8	Pt. E ½ 27	92	G. Eamon	53 30	.....	.....	44 80	98 10	3 27
8	N pt. E ½ 27	7	J. Kehoe	4 85	.....	.....	4 15	9 00	30
8	E ½ W ½ 27	50	B. Burton	34 60	.....	.....	29 00	63 60	2 12
8	Pt. 27	1	J Lawless	70	.....	.....	50	1 20	4
8	W ½ 27	50	A Brennan	34 60	.....	.....	29 00	63 60	2 12
8	28	200	M Arthur	138 40	.....	.....	116 60	255 00	8 50
8	29	200	W. McColl	138 40	.....	.....	116 60	255 00	8 50
8	E ½ 30	100	P. Burton	69 20	.....	.....	58 30	127 50	4 25
8	W ½ 30	100	A. Brennan	65 05	7 20	.....	60 95	133 20	4 44
8	31	200	J. Maxwell	122 50	50 50	.....	145 60	318 60	10 62
8	E ½ 32	100	D. Eamer	40 15	47 05	.....	73 30	160 50	5 35
8	W ½ 32	100	M Eamer	32 50	63 00	.....	80 30	175 80	5 86
8	E ½ Com	37½	S Eamer	11 75	23 50	.....	29 55	64 80	2 16
8	W ½ E ½ Com	112½	P Eamer	33 20	76 10	.....	92 00	201 30	6 71
8	W ½ Com	50	H Alguire	15 90	32 50	.....	40 70	89 10	2 97
8	E ½ 33	50	D. Eamer	14 55	35 30	.....	41 95	91 80	3 06
8	W ½ E ½ 33	50	V Eamer	14 55	35 30	.....	41 95	91 80	3 06
8	E ½ W ½ 33	42	G. Alguire	8 30	35 30	.....	36 80	80 40	2 68
8	W ½ 33	54	J. Alguire	17 30	35 30	.....	44 30	96 90	3 23

8 E ½ 34

Schedule showing Assessment in the Township of Cornwall.—*Continued.*

No. of Range.	Lot and Part of Lot.	Acres.	Name of Owner.	Value of lot.	Value of outlet liability.	Allowance for previous benefit.	Cover interest.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
8	E ¾ 34	47½	H Alguire	14 35	33 90	.....	40 55	88 80	2 96
8	W ½ E ¼ 34.....	48¼	G McEwen	14 55	33 90	.....	40 65	89 10	2 97
8	Pt. 34	3	C T. Gravel Pit	2 05	3 45	.....	4 70	10 20	34
8	Pt. 34	92	R Bender	22 85	35 30	.....	48 95	107 10	3 57
	Pt. E ½ 35	97½	H. Fickes	22 15	82 35	.....	88 10	192 60	6 42
8	Pt. W ½ 35	97	J. Meek	18 70	91 35	.....	92 75	202 80	6 76
8	Pt. E ½ 36	97½	C. McEwen	16 60	94 10	.....	93 30	204 00	6 80
8	W ½ S. F. R. 36	38	E Poapst	6 20	36 65	.....	36 05	78 90	2 63
8	Pt. W ½ 37	61	E. Poapst	10 40	61 60	.....	60 60	132 60	4 42
8	S pt. 37	81	E. Poapst	13 85	78 20	.....	77 45	169 50	5 65
8	Pt. 37	60	A. Poapst	10 40	60 90	.....	60 10	131 40	4 38
8	Pt. 37	3	W. Harris	50	2 75	.....	2 75	6 00	20
8	Pt. 37	62	G. Alguire	10 40	60 20	.....	59 30	129 90	4 33
8	Pt. Gore	25	E. Poapst	4 15	24 20	.....	23 85	52 20	1 74
8	S W pt. Gore	1	G. Poapst	20	1 00	.....	90	2 10	7
8	N pt. Gore	62	L. McEwen	10 40	60 20	.....	59 30	129 90	4 33
8	S E pt. Gore	1	J. Ogle	20	1 00	.....	90	2 10	7
8	S ½ 38	100	H. McEwen	17 30	96 90	.....	96 10	210 30	7 01
8	N ½ 38	100	J. McEwen	17 30	96 90	.....	96 10	210 30	7 01
9	W ½ 20	100	P. Rahal	.....	2 75	.....	2 35	5 10	17
9	21	200	M. Johnston Est	.....	47 90	.....	40 30	88 20	2 94
9	E ½ 22	100	P. Snetsinger	.....	29 05	.....	24 35	53 40	1 78
9	W ½ 22	100	D. Gallinger	.....	82 30	.....	69 20	151 50	5 05
9	E ¾ 23	150	J. Tyo	.....	109 35	.....	91 95	201 30	6 71
9	W ¼ 23...	50	D. Gallinger	.....	38 05	.....	32 15	70 20	2 34
9	E ¼ 24	50	M. T. Bowen	.....	38 05	.....	32 15	70 20	2 34
9	S pt. W ½ E ½ 24	41	G. Eamon	.....	23 10	.....	19 50	42 60	1 42
9	N pt. W ½ E ½ 24	8	J. Harris	.....	9 70	.....	8 00	17 70	59
9	S W cor E ½ 24...	1	J. Brier	.....	70	.....	50	1 20	4

9 S E Cor

9	S E cor W ½ 24	1	X. Compeau		70		50	1 20	4
9	N pt. W ½ 24	74	A. Alguire	58 10		49 00	107 10	3 57	
9	S pt. W ½ 24	25	L. Raymond	17 30		14 50	31 80	1 06	
9	Pt. 26	50	G. Hartle	42 90		36 00	78 90	2 63	
9	Pt. 25	80	G. Adams	58 15		48 95	107 10	3 57	
9	Pt. 25	32½	R. A. Pringle	22 50		18 90	41 40	1 38	
9	Pt. 25	26	D. Tilton	18 00		15 00	33 00	1 10	
9	Pt. 25	8½	J. Harris	7 60		6 50	14 10	47	
9	N pt. E ¼ 26	8½	J. Harris	7 60		6 50	14 10	47	
9	Pt. 25	8½	H. Alguire	7 60		6 50	14 10	47	
9	S pt. E ¼ 26	8½	H. Alguire	7 60		6 50	14 10	47	
9	S pt. E ¼ 26	32½	R. A. Pringle	23 10		19 50	42 60	1 42	
9	W ¾ 26	150	Z. Weegar	113 50		95 60	209 10	6 97	
9	E pt. 27	140	G. Adams	103 80		87 30	191 10	6 37	
9	W pt. 27	60	J. Moke	43 60		36 80	80 40	2 68	
9	Pt. 28	80	J. Moke	59 50		50 00	109 50	3 65	
9	Pt. 28	2	G. Hartle	1 75		1 55	3 30	11	
9	Pt. 28	39	G. Adams	27 00		22 50	49 50	1 65	
9	Pt. 29	6	G. Adams	4 15		3 35	7 50	25	
9	Pt. 28	40½	G. Warner	28 00		23 60	51 60	1 72	
9	Pt. 29	6	G. Warner	36 00		30 30	66 30	2 21	
9	Pt. 28	1	S. Warner		70		80	1 50	5
9	Pt. 28	1	C. D. Waldroff		90		90	1 80	6
9	Pt. 29	5	Mrs. R. Harris	4 50		3 60	8 10	27	
9	Pt. 28	1	W. Brown		80		70	1 50	5
9	Pt. 28	5	W. Meed	4 50		3 60	8 10	27	
9	Pt. 28	25	H. Markell	18 00		15 00	33 00	1 10	
9	Pt. 29	3	H. Markell	2 50		2 00	4 50	15	
9	Pt. 29 4	4	W. Meed	3 20		2 50	5 70	19	
9	Pt. 29	47	E. Fickes	41 50		34 70	76 20	2 54	
9	Pt. 29	47	E. Tinkess	32 50		27 50	60 09	2 30	
9	Pt. 29	13	P. Shaver	9 00		7 50	16 50	55	
9	E ½ S ½ 29	32	F. Shaver	22 15		18 65	40 80	1 36	
9	Pt. W ½ 30	11	P. Shaver	7 60		6 50	14 10	47	
9	Pt. 29	13	W. Wort	9 00		7 50	16 50	55	
9	Pt. E ½ 30	33	W. Wort	23 10		19 50	42 60	1 42	
9	W ½ N ½ 29	13	J. Clacker	11 75		9 85	21 60	72	
9	N pt. E ½ 30	31	J. Clacker	23 10		19 50	42 60	1 42	
9	Pt. 30	1	Mrs. J. Hill		70		80	1 50	5
9	Pt. 30	5	S. Hill	3 50		2 80	6 30	21	

9 Pt. 30.

Schedule showing Assessment in the Township of Cornwall.—*Concluded.*

No. of Range.	Lot and Part of Lot.	Acres.	Name of Owner.	Value of benefit.	Value of outlet liability.	Allowance for previous benefit.	Cover interest	Total special rate.	Annual assessment.
9	Pt. 30	2	D. Coulthard		1 60		1 40	3 00	10
9	Pt. 30	37	P. Bender		25 60		21 50	47 10	1 57
9	Pt. 30	7	W. Wort		4 85		4 15	9 00	30
9	Pt. W ½ 30	34	E. Fickes		8 65		7 25	15 90	53
9	Pt. 30	1	A. Coulthard		35		25	60	2
9	Pt. 30	½	G Snetsinger		25		5	30	1
9	Pt. 30	2½	A. Alguire		1 75		1 55	3 30	11
9	Pt. 30	½	W. Alguire		35		25	60	2
9	Pt. 30	½	N. McDonald		35		25	60	2
9	E ½ 31	99¾	P. Bender		79 40	2 50	64 70	141 60	4 72
9	Pt. 31	1	W. Maxwell		50		40	90	3
9	N pt. W ½ 31	40	N. Harris		49 80	2 50	39 70	87 00	2 90
9	S ¼ W ½ 31	25	B. Ruport		17 30		14 50	31 80	1 06
9	S pt. W ½ 31	33	F. Myers		23 10		19 50	42 60	1 42
9	N 4-5 E ½ 32	80	J. Raymond		96 90	3 00	78 90	172 80	5 76
9	S 1-5 E ½ 32	20	J. Alguire		13 85		11 65	25 50	85
9	N pt. 32	43	E. Ruport		41 50	2 50	32 70	71 70	2 39
9	S pt. 32	57	B. Hart		39 45		33 15	72 60	2 42
9	N ½ E ½ 33	50	H. Hart		47 05	3 50	36 55	80 10	2 67
9	Pt. 33	1	B. Adams		70		50	1 20	4
9	S ½ E ½ 33	50	H. Markell		34 60		29 00	63 60	2 12
9	W ½ 33	99	H. Runions		82 50	5 00	65 30	142 80	4 76
9	E ½ 33	100	E. Runions		83 90	5 00	66 30	145 20	4 84
9	E ½ W ½ 34	50	H. Hart		42 20	2 50	33 20	73 20	2 44
9	W ½ 34	50	G. Bender		42 90	2 50	34 00	74 70	2 49
9	E ⅝ 35	76	W. C. Werley		62 00	3 50	49 20	108 00	3 60
9	N W pt. 35	67	G. Markell		69 20	4 00	54 80	120 00	4 00
9	Pt. 35	57	H. Markell		39 45	4 00	29 95	65 70	2 19
9	E ½ 36	50	A. Runions		44 30	2 50	35 00	77 10	2 57
9	W pt. 36	74½	J. Werley		65 40	4 00	51 70	113 40	3 78
9	W ½ 36	75	A. Werley		66 05	5 00	51 45	112 80	3 76

6 Pt. E ½ 37

9	Pt. E ½ 37		97½	E.	Poapst	93 45	5 00	74 45	163 20	5 44
9	Pt. W ½ 37		97 3-5	J.	Poapst	35 65	5 00	25 85	56 70	1 89
9	N E pt. Gore	49		I.	Poapst	51 90	2 50	41 50	91 20	3 04
9	Pt. Gore	85		I.	McBride	83 05	5 00	65 65	143 70	4 79
9	Pt. 38	5		I.	McBride	4 15	.....	3 35	7 50	25
9	Pt. Gore	3		G.	Alguire	2 60	.....	2 20	4 80	16
9	Pt. E ½ 38	94		N.	Arbuthnot	84 10	3 00	68 30	149 40	4 98
9	W ½ 38	97½		J.	Arbuthnot	97 60	3 50	79 30	173 40	5 78
	Road allowance between 5th range and 6th con. from side lot 20 to centre lot 30		10.6			4 85	.....	4 15	9 30	31
	Con. road 7 and 8 from east side lot 24 to W. boundary		19.2			9 35	.....	7 75	17 40	58
	Con. road 8 and 9, lot 24 to boundary		17.4			10 35	.....	8 55	19 20	64
	Side roads in 6 con.		13.3	950 00		.....	52 39	755 59	1,653 60	55 12
	Given roads in 6 con.		16.0	1,005 00		.....	80 00	778 70	1,704 00	56 89
	Side roads in 7 con.		21.2	840 00		.....	60 00	656 70	1,437 00	47 90
	Given roads in 7 con.		27.7	214 50		.....	.....	180 60	395 40	13 18
	Side roads in 8 con.		20.7	.....		14 00	.....	11 80	26 10	87
	.....		.....	.....		16 00	.....	13 40	29 70	99
	.....		.....	.....		11 00	.....	9 10	20 40	68
	.....		.....	.....		12 56	.....	10 54	23 40	78
	One-half boundary road allowance, Cornwall and Roxborough		.....	.....		5 75	.....	4 75	10 80	36
	One half road allowance Cornwall and Osnabruck		.....	16 60		.....	.....	14 00	30 90	1 03
									32,685 90	1,089 53

Total benefit for lands		$10,508 85
Total benefit for outlet for lands		5,133 90
Total benefit for roads		3,026 10
Total outlet for lands		83 86
		$18,752 71
Allowance for lands	815 50	
Allowance for roads	192 39	
		1,007 89
		$17,744 82

4. For paying the sum of $3,026 10, the amount charged against the said roads and lands of the municipality of Cornwall for benefit and the sum of $83.86, the amount assessed against the municipality for outlet liability, less allowances amounting to $192 39, as appears by the preceding schedule, and for covering interest thereon for thirty years at the rate of four and a half per centum per annum, a special rate on the dollar sufficient to produce the required yearly amount therefor, shall over and above all other rates be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the said Township of Cornwall in each year for thirty years after the coming into force of this by-law, during which the said debentures have to run.

5. That this by-law shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said plans, profiles, specifications, estimates and assessments of the said engineer, and also of this by-law.

By-law 702 read a first time this 24th day of March, 1904.

J. MULLIN,
Tp. C.

By-law 702 read a second time this 24th day of March, 1904.

J. MULLIN.

By-law 702 read a third time, passed and signed by reeve and clerk.

J. MULLIN,
Tp. C.

NATHAN COPELAND,
Reeve.

JOHN MULLIN,
Tp. Clerk.

SCHEDULE "C."

BY-LAW NUMBER 12 OF THE TOWNSHIP OF ROXBOROUGH IN THE COUNTY OF STORMONT, FOR THE YEAR 1904.

A by-law to provide for the improvement of the River aux Raisin Drainage Work in the Townships of Osnabruck and Cornwall, in the County of Stormont, and its outlet through the said Township of Cornwall, for which the Township of Roxborough will be benefited, and for borrowing on the credit of the municipality of the said Township of Roxborough the sum of $1,849.18, being the proportion to be contributed by the said municipality of the Township of Roxborough for completing the same.

Whereas, on or about the nineteenth day of October, A. D. 1888, a by-law of the corporation of the Township of Osnabruck was finally passed adopting the report of George S. Bruce, Esquire, Provincial Land Surveyor, on the River aux Raisin drainage work founded on a petition of the parties benefited, under which by-law the work as outlined in the said report was constructed.

And whereas, one John S. Moke, of the said Township of Osnabruck, one of the owners assessed under and by virtue of the said by-law on the twenty-ninth day of May, A. D. 1899, commenced an action against the corporation of the Township of Osnabruck, in the High Court of Justice, for damages to the west half of lot number four in the fourth concession of the said township, in which action it was on the third day of January, A. D. 1900, ordered and adjudged by Thomas Hodgins Esquire, the drainage referee, that the said John S. Moke should be at liberty to enter judgment against

against the corporation of the Township of Osnabruck for the sum of $400 damages and costs, and that the corporation of the Township of Osnabruck should within six months of the said third day of January, 1900, take proper proceedings to put the said drainage work in a proper and efficient state of repair.

And whereas the corporation of the said Township of Osnabruck in order to comply with the said mandatory order, appointed T. H. Wiggins, Esquire, Civil Engineer, to report on what was necessary to put the said drainage work in a proper and efficient state of repair, to alter, enlarge and otherwise improve the same, and to prepare plans, specifications and estimates, and to make an assessment of the lands and roads liable to assessment therefor.

And whereas the said T. H. Wiggins duly made his report dated the ninth day of February, A. D. 1901, which said report was filed with the clerk of said township and served on the reeves of the municipalities of the Townships of Cornwall and Roxborough, in which adjoining townships certain lands and roads were assessed by the report of the said T. H. Wiggins.

And whereas the said corporation of the said Township of Osnabruck on the sixteenth day of April, A. D. 1901, provisionally adopted a by-law founded on the said report, plans, specifications assessments, etc.

And whereas the said report, plans, specifications, estimates and assessments were appealed against by the said Townships of Cornwall and Roxborough, which appeal came on to be heard before J. B. Rankin, Esquire, Drainage Referee, when it was arranged between counsel, with the consent of the referee and the engineer, that the respective assessments between said townships should be in the proportion of Osnabruck, $41,408.42; Cornwall, $24,242.69, and Roxborough, $2,676.39.

And whereas by-laws of the said Townships of Osnabruck, Cornwall and Roxborough were passed confirming the said basis of assessment so arranged.

And whereas it was found that under the then existing state of drainage laws in the Province of Ontario, it was impossible to proceed with the said drainage scheme as reported on by the said T. H. Wiggins, and the said Township of Osnabruck, with the consent of the said Townships of Cornwall and Roxborough, has therefore abandoned the said report and scheme therein outlined.

And whereas the municipal council of the said Township of Osnabruck has procured an examination to be made by Finlay D. McNaughton, Esquire, Civil Engineer, of the said River aux Raisin drainage works, having associated with him James S. Laird, Esquire, Ontario Land Surveyor, representing the Legislature of the Province of Ontario, who were instructed to report on the improvement, alteration and enlargement of the said River aux Raisin, and to prepare a report, plans, profiles, specifications and estimates, and to make an assessment of the lands and roads liable to be assessed for such improvement alteration and enlargement according to the provisions of *The Municipal Drainage Act*, and the amendments thereto.

And whereas the said Finlay D. McNaughton and James S. Laird have made a report, and have prepared plans, profiles, specifications, estimates and assessments for the purposes aforesaid, and such assessments so made in so far as it relates to the Township of Roxborough, being the assessment hereinafter by this by-law enacted to be assessed and levied on the lots or parts of lots and roads hereinafter in that part specially set forth and described, and the report of the said Finlay D. McNaughton and James S. Laird in respect thereof, and of the said drainage work is as follows:—

[*The report is printed in full in the by-law of the Township of Osnabruck. See Schedule A.*]

And whereas the said Finlay D. McNaughton and James S. Laird for reasons assigned in the said report did assess and charge the lands and roads in the Township of Roxborough the sum of $16.18

for benefit alleged to be derived by them for the improvement, alteration and enlargement of the River aux Raisins drainage work in the Townships of Osnabruck and Cornwall for outlet liability for the improvement, alteration and enlargement of the said drainage work.

And whereas the municipal council of the said Township of Osnabruck did serve upon the head of the municipal council of the Township of Roxborough a copy of the report, plans, profiles, specifications and assessments of the engineer aforesaid in respect of the said drainage work.

And whereas the said municipal council of the said Township of Roxborough did not appeal, and do not desire to appeal from the said assessment and charge made by the said Township of Osnabruck through the said engineer against the lands and roads of the said Township of Roxborough.

And whereas the amount to be contributed towards the said drainage work by the said Townhsip of Roxborough as its proportion, is the sum of $1,849.18; by the Townsip of Osnabruck is the sum of $28,940, and the Township of Cornwall $17,744.82 making a total estimated cost of the said drainage work or $48,534.

Therefore the said municipal council of the said Township of Roxborough, pursuant to the provision of *The Municipal Drainage Act* and the amendments thereto, enacts as follows:—

1. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2. The reeve of the said Township of Roxborough may borrow on the credit of the corporation of the said Township of Roxborough the sum of $1,849 18, being said municipality's proportion of the funds necessary for the work, and may issue debentures of the corporation to that amount in sums of not less than fifty dollars each, and payable within thirty years from the date thereof, with interest at the rate of four and a half per centum per annum, such debentures to be payable at the Bank of Ottawa, Avonmore, without coupons for the payment of interest.

3. For paying the sum of $1,833.00, the amount charged against the lands for outlet liability, there being no assessment against the lands in the Township of Roxborough for benefit or injuring liability, the amount charged against the said lands, and for covering interest thereon for thirty years at the rate of four and a half per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time other taxes are levied and collected) upon and from the undermentioned lots and parts of lots, and the amount of said total special rates and interest against each lot or part of lot respectively shall be divided into thirty equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for thirty years after the coming into force of this by-law, during which the said debentures have to run.

Schedule

Schedule of Lands Assessed in the Township of Roxbo ough.

No. of Range.	Lot and Part of Lot.	Acres.	Name of Owner.	Value of outlet liability.	Cover interest.	Total special rate.	Annual assessment.
				$ c.	$ c.	$ c.	$ c.
1	S ½ W ½ 22	50	Alonzo Shaver	30 25	25 55	55 80	1 86
1	N ½ W ½ 22	50	Jno. T. Harris	30 25	25 55	55 80	1 86
1	E ½ 23	100	Jno. Rupert	61 00	51 20	112 20	3 74
1	N pt. W ½ 23	63	Jno. Stephens	38 45	32 35	70 80	2 36
1	S pt. W ½ 23	37	Frank Lee	22 45	18 95	41 40	1 38
1	S ½ 24	150	Jos. Harris	91 20	76 80	168 00	5 60
1	N ½ 24	50	Gordon Alguire	30 25	25 55	55 80	1 86
1	S ½ 25	94	Jos. Meed	57 55	48 35	105 80	3 53
1	N ½ E ½ 25	50	Jas. Harris	30 25	25 55	55 80	1 86
1	N ½ W ½ 25	50	Alvin Harris	30 25	25 55	55 80	1 86
1	Pt. S ½ 25	6	Jas. Harris	3 45	2 85	6 30	21
1	E ½ S ½ 26	25	Jas. Harris	15 10	12 50	27 60	92
1	S W pt. 26	55	Wm. Ferguson	33 15	27 75	60 90	2 03
1	S pt. 26	30	Geo. Runions	12 25	10 25	22 50	75
1	N ½ 26	100	Emerson Warner	61 00	51 20	112 20	3 74
1	S ½ 27	100	Allen Grant	61 00	51 20	112 20	3 74
1	N ½ E ½ 27	50	Isaiah McBride	30 25	25 55	55 80	1 86
1	N ½ E ½ W ½ 27	25		15 10	12 50	27 60	92
1	N ½ W ½ 27	25	Jno. Stephenson	15 10	12 50	27 60	92
1	N ½ E ½ 28	25	Jno. Stephenson	15 10	12 50	27 60	92
1	N ½ W ½ 28	75	Willis Salmonds	45 40	38 30	83 70	2 79
1	S ½ 28	98	Geo. Runions	59 50	50 00	109 50	3 65
1	Pt. 28	2	Geo. Hartle	65	55	1 20	4
1	S ½ E ½ 29	25	Jno. Meek	26 35	22 25	48 60	1 62
1	Pt. 29	160	S. Salmons	90 70	76 40	167 10	5 57
1	S 3-10 W ½ 29	15	Isaiah McBride	9 10	7 70	16 80	56
1	S ½ 30	100	Isaiah McBride	61 00	51 20	112 20	3 74
1	N ½ 30	100	Cory Warner	57 55	48 35	105 90	3 53
1	31	200	Patrick McLaughlin	120 00	101 10	221 10	7 35
1	S ½ E ½ N ½ 33	50	Geo. L. Cobbucks	34 35	28 55	49 30	2 09
1	S ½ W ½ 32	50	Jno. Rupert	34 15	28 55	62 70	2 09

1 E ½ W

Schedule of lands assessed in the Township of Roxborough.

No. of Range	Lot and Part of Lot.	Acres.	Name of Owner	Value of outlet liability.	Cover interest.	Total special rate.	Annual assessment.
1	E ½ W ½ N ½	32	Geo. Armstrong	8 40	6 90	15 30	51
1	S ½ N ½ W ½	32	David Armstrong	8 40	6 90	15 30	51
1	S ½ E ½ N ½	33	David Armstrong	8 40	6 90	15 30	51
1	S ½ E ½ S ½	33	Herman Runions	22 35	18 75	41 40	1 38
1	S ½ W ½ S ½	33	Jno. Harris	45 00	37 80	82 80	2 76
1	S ½ W ½ N ½	33	Jno. Armstrong	21 00	17 70	38 70	1 29
1	S ½ E ½ N ½	34	Jno. Armstrong	23 40	19 50	42 90	1 43
1	S ½ E ½ S ½	34	Jno. Runions...	51 25	42 95	94 50	3 15
1	W ½ S ½	34	David Armstrong	12 15	10 05	22 50	75
1	S pt.	34		6 40	5 30	12 00	40
1	S ½ N ½ W ½	34		20 50	17 30	37 80	1 26
1	N ½	35	Geo. Cook	68 30	57 40	125 70	4 19
1	S ½	35	Herman Hart	5 45	4 45	10 20	34
1	S ½ N ½ E ½	36	Michal Gittons...	34 15	28 85	63 00	2 10
1	S ½ E ½ N ½	36	Herman Hart	3 00	2 40	5 70	19
1	S ½ W ½ N ½	36	Nelson Bride	34 15	28 85	63 00	2 10
1	S ½ W ½	36	Barney Hart	57 40	48 50	126 00	4 20
1	S ½	37	Cory Woods	68 30	92 70	49 50	1 65
1	S ½	39		45	Allan Eastman	26 80	58 50
1	S ½ pt.	40		44	N. Arbuthnot	31 70	34 80
1	S ½	41		28	Jos. Arbuthnot	19 00	27 00
1	S ½ E ½	41		29	Jos. Meldrum	14 60	4 50
1	S ½ W ½	41		25	Mrs. McEwen	2 30	1 90
2	S ½ W ½	22		25	Jno. R. McDonell	6 90	12 90
2	S ½ E ½	23		25	Wm. J. Eamer	12 70	23 40
2	S ½ W ½	23		25	Zephania Shaw	4 50	10 20
2	S ½ E ½ W ½	24		25	Wm. Salmons	3 95	7 50
2	S ½ E ½ W ½	24		124	Wm. Runions	3 25	6 00
2	S ½ W ½	24		124	Wm. Harris	2 80	2 70
2	S ½ E ½	25		50	Jas. Stephenson	1 45	2 70
2	S ½ E ½	27		25	Andrew Stephenson	1 25	2 70
2	S ½ E ½ W ½	27		124	J. Stephenson	1 15	2 40
2	S ½ W ½	27		124	Hetson Stephenson	1 95	3 60
2	S ½ E ½	28		25	David Campbell	2 00	1 20
2	S ½ E ½ W ½	28		124	J. Stephenson	65	

Schedule

Schedule of Lands Assessed in the Township of Roxborough.—*Continued.*

Lot and Part of Lot.	Acres.	Value of outlet liability.	Cover interest.	Total special rate.	Annual assessment.
		$ c.	$ c.	$ c.	$ c.
Assessment on roads:					
Side roads in 1st con.	16.3	9 65	8 05	17 70	59
Side roads in 2nd con.	.7	45	45	90	3
Half boundary road allowance Roxborough and Cornwall	9.9	5 75	4 75	10 50	35
Half boundary road allowance Roxborough and Osnabruck	.5	33	27	60	2
Total outlet assessment on lands	.....	1,833 00			
Total outlet assessment on roads	.....	16 18			
Total assessment	.....	1,849 18	1,557 02	3,406 20	113 54

4. For

4. For paying the sum of $16.18, the amount assessed for outlet liability against the roads and lands of the municipality of the Township of Roxborough, and for covering interest thereon for thirty years at the rate of four and a half per centum per annum, a special rate on the dollar sufficient to produce the required yearly amount therefor, shall over and above all other rates be levied and collected (in the same manner and at the same time as taxes are levied and collected) upon and from the whole rateable property in the said Township of Roxborough in each year for thirty years after the coming into force of this by-law, during which the said debentures have to run.

5. That this by-law shall not come into operation or take effect until an Act passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said plans, profiles, specifications, estimates and assessments of the said engineer and also of this by-law.

Read a first time in open council this 24th day of March, 1904.

Read a second and third time in open council and passed this 24th day of March, 1904.

(Sgd.) JOHN CRAWFORD,
Reeve.

(Sgd.) R. C. MCGREGOR,
Township Clerk

Certified a true copy.
R. C. MCGREGOR,
Township Clerk.

CHAPTER

CHAPTER 65.

An Act respecting the City of Ottawa.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by petition represented that it has been unable to borrow the sum of $26,000 upon the security of a mortgage of Lansdowne Park in the said City as authorized by Section 9 of the Act passed in the third year of His Majesty's reign, Chaptered 72, and intituled "An Act respecting the City of Ottawa" and has prayed that authority may be given to raise the said sum by a special issue of debentures; and whereas the said corporation has by the said petition further represented that it is desirable in the public interest that the sum of $86,000 should be expended in acquiring land for the extension of Lansdowne Park, and in erecting new and improving existing buildings thereon, and has prayed that it may be authorized to borrow the said sum by a special issue of debentures; and whereas the said Corporation has by the said petition further prayed that all doubts may be removed as to the authority of the said Corporation to provide for payment out of the general funds of the Municipality of certain proportions of the cost of certain classes of local improvement works, and that all local improvement by-laws heretofore passed by the Council of the said Corporation may be validated and confirmed; and whereas the said Corporation has by the said petition further prayed that a certain agreement for the leasing of Wellington Ward Market property in the said City may be validated and confirmed; and have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Authorized to borrow $26,000 for outstanding liabilities for exhibition purposes.

1. The Corporation of the City of Ottawa may borrow upon a special issue of debentures, bearing interest at such rate as the Council of the said Corporation may determine, and payable in 20 years from the date thereof, a sum not exceeding $26,000 to be applied in payment of certain outstanding debts and liabilities contracted in connection with the holding of an annual exhibition in the said city.

Loan of $86,000 for Lansdowne Park authorized.

2. The said Corporation may also borrow by a special issue of debentures bearing interest at such rate as the said Corporation may determine and payable in 30 years from the date thereof a sum not exceeding $86,000 for the purposes of acquiring land for the extension of Lansdowne Park in the said City, the erection of new and the improvement of existing buildings thereon.

Special rate for payment of debentures.

3. For the payment of the debt and interest represented by the debentures to be issued under the authority of Sections 1 and 2 hereof, there shall be annually raised, levied and collected by the said Corporation during the currency of the said debentures by an annual special rate upon the amount of the assessable property of the said Corporation according to the then last Revised Assessment Roll thereof a sum sufficient to discharge the said debt and interest when the same shall be respectively payable.

Assent of electors not required.

4. The By-laws to be passed under Sections 1 and 2 hereof shall not require to be submitted to or have the assent of the electors before the final passing thereof.

Application of proceeds.

5. The sums hereinbefore authorized to be borrowed shall when raised be used for the respective purposes hereinbefore specified and no others.

Certain local improvement by-laws confirmed.

6. The by-laws heretofore passed by the Council of the said Corporation, authorizing the construction of works as local improvements and the borrowing of money for the payment of the cost of the construction of such works and all debentures issued or to be issued thereunder which by-laws are set out in Schedule "A" to this Act, and all assessments made or to be made, and all rates levied or to be levied under the said by-laws or any of them for the payment of the said debentures are hereby validated and confirmed.

Payment of proportion of cost of certain local improvements out of general funds.

7.—(1) Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or in any other Act of this Legislature the Council of the said Corporation may by by-law authorize the payment out of the general funds of the Municipality of one-third

third of the cost of paving as a local improvement any of the streets of the said City with asphalt, natural or artificial stone, brick or tar macadam or other like substance or composition and also the cost of the construction of two feet in width of every sidewalk to be constructed in the said City as a local improvement in addition to the cost of the construction of such works opposite street intersections and exempt properties, or may provide therefor by the issue of debentures.

(2) It shall not be necessary to submit to, or have the assent of, the electors of the said municipality to the by-laws of the said corporation authorizing the issue of the said debentures.

(3) After deducting that part of the cost of any such work to be borne by the said Corporation and paid out of the general funds as aforesaid, that is to say, the cost of the construction opposite street intersections and exempt properties and, in the case of any pavement in addition one-third of the remaining cost, and in the case of any sidewalk in addition the cost of constructing two feet in width thereof, the remainder of the cost shall be assessed for and dealt with in accordance with the provisions of *The Consolidated Municipal Act, 1903*, relating to local improvements.

By-law No. 2453 of City of Ottawa and agreement with Owain Martin, et al., confirmed.

8. By-law number 2,453 of the said corporation intituled "By-law approving and authorizing the execution of a certain agreement with Owain Martin of the Town of Peterboro, George Lewis Orme and Matthew Orme, both of the City of Ottawa, for the leasing of Wellington Ward Market premises," and the said agreement which by-law and agreement are set out in Schedule "B" to this Act are validated and confirmed.

SCHEDULE

SCHEDULE "A."

By-laws of City of Ottawa, issued for Construction of Sidewalks as Local Improvements.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amt. of debt created.	Amt. to be borne by the city.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Interest.
1105	Plank sidewalk	8 April, 1891	$278 33	100 78	177 55	10 years	5 per cent.
1106	Plank sidewalk	8 April, 1891	324 07	168 04	156 03	10 years	5 per cent.
1107	Plank sidewalk	8 April, 1891	874 09	453 00	421 00	10 years	5 per cent.
1193	Granolithic sidewalk	22 Sept., 1891	725 87	372 53	353 34	20 years	5 per cent.
1194	Granolithic sidewalk	22 Sept., 1891	1,611 99	559 40	1,051 60	20 years	5 per cent.
1195	Granolithic sidewalk	22 Sept., 1891	168 98	51 54	117 44	20 years	5 per cent.
1196	Granolithic sidewalk	22 Sept., 1891	264 65	103 85	160 80	20 years	5 per cent.
1197	Granolithic sidewalk	22 Sept., 1891	732 25	246 25	486 00	20 years	5 per cent.
1198	Granolithic sideawalk	22 Sept., 1891	465 34	238 00	227 34	20 years	5 per cent.
1198	Granolithic sidewalk	22 Sept., 1891	465 34	263 30	371 80	20 years	5 per cent.
1200	Granolithic sidewalk	22 Sept., 1891	1,300 62	451 02	849 60	20 years	5 per cent.
1201	Granolithic sidewalk	22 Sept., 1891	719 33	366 33	353 00	20 years	5 per cent.
1202	Granolithic sidewalk	22 Sept., 1891	2,709 88	884 28	1,825 60	20 years	5 per cent.
1203	Granolithic sidewalk	22 Sept., 1891	160 00	80 00	80 00	20 years	5 per cent.
1204	Plank sidewalk	22 Sept., 1891	400 52	100 13	300 39	10 years	5 per cent.
1205	Plank sidewalk	22 Sept., 1891	405 96	225 42	180 54	10 years	5 per cent.
1206	Plank sidewalk	22 Sept., 1891	876 84	366 17	510 67	10 years	5 per cent.
1207	Plank sidewalk	22 Sept., 1891	495 04	261 12	233 92	10 years	5 per cent.
1208	Plank sidewalk	22 Sept., 1891	610 00	243 33	366 67	10 years	5 per cent.
1209	Plank sidewalk	22 Sept., 1891	191 08	95 54	95 54	10 years	5 per cent.
1210	Plank sidewalk	22 Sept., 1891	67 32	33 66	33 66	10 years	5 per cent.
1211	Plank sidewalk	22 Sept., 1891	3,589 50	1,656 16	1,933 34	10 years	5 per cent.
1212	Plank sidewalk	22 Sept., 1891	51 50	19 17	32 33	10 years	5 per cent.
1213	Granolithic sidewalk	22 Sept., 1891	2,984 50	1,122 10	1,862 40	20 years	5 per cent.
1215	Plank sidewalk	5 Oct., 1891	264 00	88 00	176 00	10 years	5 per cent.
1216	Plank sidewalk	5 Oct., 1891	271 00	94 33	176 67	10 years	5 per cent.
1217	Plank sidewalk	5 Oct., 1891	949 00	376 33	572 67	10 years	5 per cent.

1218	Plank sidewalk	5 Oct., 1891	638 00	312 67	325 33	10 years	5	per cent.
1219	Plank sidewalk	5 Oct., 1891	346 00	148 33	197 67	10 years	5	per cent.
1220	Plank sidewalk	5 Oct., 1891	164 64	63 64	101 00	10 years	5	per cent.
1221	Plank sidewalk	5 Oct., 1891	195 16	97 58	97 58	10 years	5	per cent.
1222	Plank sidewalk	5 Oct., 1891	501 40	192 85	308 55	10 years	5	per cent.
1223	Plank sidewalk	5 Oct., 1891	200 60	110 50	90 10	10 years	5	per cent.
1224	Plank sidewalk	5 Oct., 1891	170 00	56 67	113 33	10 years	5	per cent.
1225	Plank sidewalk	5 Oct., 1891	342 00	134 00	208 00	10 years	5	per cent.
1226	Plank sidewalk	5 Oct., 1891	258 00	126 00	132 00	10 years	5	per cent.
1228	Plank sidewalk	26 Oct., 1891	1,321 25	614 42	706 83	10 years	5	per cent.
1229	Plank sidewalk	26 Oct., 1891	689 52	378 42	311 10	10 years	5	per cent.
1230	Plank sidewalk	26 Oct., 1891	96 56	65 28	31 28	10 years	5	per cent.
1231	Plank sidewalk	26 Oct., 1891	119 00	59 50	59 50	10 years	5	per cent.
1232	Plank sidewalk	26 Oct., 1891	231 00	97 00	134 00	10 years	5	per cent.
1233	Plank sidewalk	20 Oct., 1891	287 99	177 00	110 00	10 years	5	per cent.
1234	Plank sidewalk	26 Oct., 1891	265 09	88 33	176 67	10 years	5	per cent
1235	Granolithic sidewalk	26 Oct., 1891	452 62	197 62	255 00	20 years	5	per cent.
1236	Plank sidewalk	26 Oct., 1891	350 00	116 67	233 33	10 years	5	per cent.
1237	Plank sidewalk	26 Oct., 1891	819 55	443 77	375 78	10 years	5	per cent.
1287	Plank sidewalk	4 July, 1892	500 14	268 77	231 37	10 years	4½	per cent.
1289	Plank sidewalk	4 July, 1892	587 52	314 16	273 36	10 years	4½	per cent.
1290	Plank sidewalk	4 July, 1892	167 64	66 64	101 00	10 years	4½	per cent
1291	Plank sidewalk	4 July, 1892	1,310 88	498 97	811 41	10 years	4½	per cent.
1292	Plank sidewalk	4 July, 1892	359 04	189 72	169 32	10 years	4½	per cent
1293	Plank sidewalk	4 July, 1892	258 00	126 00	132 00	10 years	4½	per cent
1294	Plank sidewalk	4 July, 1892	198 00	66 00	132 00	10 years	4½	per cent.
1295	Plank sidewalk	4 July, 1892	437 36	145 79	291 57	10 years	4½	per cent.
1296	Plank sidewalk	4 July, 1892	231 88	136 34	95 54	10 years	4½	per cent.
1297	Granolithic sidewalk	4 July, 1892	221 34	120 78	100 47	10 years	4½	per cent.
1298	Granolithic sidewalk	4 July, 1892	652 80	336 00	316 80	20 years	4½	per cent
1299	Granolithic sidewalk	4 July, 1892	1,073 20	376 93	696 27	20 years	4½	per cent
1300	Plank sidewalk	4 July, 1892	3,291 83	768 63	2,523 20	20 years	4½	per cent.
1301	Plank sidewalk	4 July, 1892	272 90	90 67	181 33	10 years	4½	per cent.
			281 06	113 67	167 33	10 years	4½	per cent.

1302

SCHEDULE "A" *Continued.*

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amt. of debt created.	Amt. to be borne by the city.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Interest.
1302	Plank sidewalk	4 July, 1892	318 00	126 00	192 00	10 years	4½ per cent.
1312	Stone sidewalk	9 Aug., 1892	653 70	334 05	319 65	20 years	4½ per cent.
1313	Stone sidewalk	9 Aug., 1892	438 00	219 00	219 00	20 years	4½ per cent.
1314	Stone sidewalk	12 Aug., 1892	720 00	367 20	352 80	20 years	4½ per cent.
1322	Stone sidewalk	12 Aug., 1892	459 53	131 90	327 63	20 years	4½ per cent.
1323	Stone sidewalk	12 Aug., 1892	4,642 15	984 43	3,657 72	20 years	4½ per cent.
1324	Stone sidewalk	12 Aug., 1892	582 00	298 20	283 80	20 years	4½ per cent.
1328	Stone sidewalk	12 Sept., 1892	1,394 53	420 00	974 53	20 years	4½ per cent.
1329	Stone sidewalk	12 Sept., 1892	143 00	59 50	83 50	20 years	4½ per cent
1330	Stone sidewalk	12 Sept., 1892	237 80	118 80	118 80	20 years	4½ per cent.
1332	Stone sidewalk	19 Sept., 1892	1,082 00	823 00	259 00	20 years	4½ per cent.
1367	Stone sidewalk	19 June, 1893	1,036 00	448 00	588 00	20 years	4½ per cent.
1368	Stone sidewalk	19 June, 1893	187 00	61 00	126 00	20 years	4½ per cent.
1369	Stone sidewalk	19 June, 1893	490 00	259 00	231 00	20 years	4½ per cent.
1370	Stone sidewalk	19 June, 1893	206 00	107 00	99 00	20 years	4½ per cent.
1371	Stone sidewalk	19 June, 1893	636 00	339 00	297 00	20 years	4½ per cent.
1372	Stone sidewalk	19 June, 1893	424 00	266 00	198 00	20 years	4½ per cent.
1373	Stone sidewalk	19 June, 1893	354 75	88 69	226 06	20 years	4½ per cent.
1376	Stone sidewalk	19 June, 1893	626 00	333 00	293 00	20 years	4½ per cent.
1377	Stone sidewalk	19 June, 1893	1,896 00	1,014 00	882 00	20 years	4½ per cent.
1378	Stone sidewalk	19 June, 1893	1,160 00	594 00	566 00	20 years	4½ per cent
1379	Stone sidewalk	19 June, 1893	297 00	99 00	198 00	20 years	4½ per cent.
1380	Stone sidewalk	19 June, 1893	258 00	136 00	122 00	20 years	4½ per cent.
1391	Stone sidewalk	17 July, 1893	809 00	281 00	528 00	20 years	4½ per cent
1392	Stone sidewalk	17 July, 1893	2,013 30	502 00	1,511 00	20 years	4½ per cent.
1393	Stone sidewalk	17 July, 1893	1,160 00	594 00	566 00	20 years	4½ per cent.
1394	Stone sidewalk	17 July, 1893	588 00	357 00	231 00	20 years	4½ per cent
1400	Stone sidewalk	7 Aug., 1893	1,812 00	415 00	1,397 00	20 years	4½ per cent.
1401	Stone sidewalk	7 Aug., 1893	576 00	308 00	268 00	20 years	4½ per cent.

1402	Stone sidewalk	7	Aug.,	1893	226 99	127 00	99 00	20 years	4½ per cent.
1403	Stone sidewalk	7	Aug.,	1893	475 00	274 00	201 00	20 years	4½ per cent.
1404	Stone sidewalk	7	Aug.,	1893	2,115 00	1,243 50	871 50	20 years	4½ per cent.
1413	Stone sidewalk	21	Aug.,	1893	105 00	39 00	66 00	20 years	4½ per cent.
1414	Stone sidewalk	21	Aug.,	1893	1,977 00	988 50	988 50	20 years	4½ per cent.
1415	Stone sidewalk	21	Aug.,	1893	2,683 50	1,294 50	1,389 00	20 years	4½ per cent
1416	Stone sidewalk	21	Aug.,	1893	505 00	247 00	258 00	20 years	4 per cent.
1417	Stone sidewalk	21	Aug.,	1893	630 00	282 00	348 00	20 years	4½ per cent.
1418	Stone sidewalk	21	Aug.,	1893	1,089 00	228 00	861 00	20 years	4½ per cent.
1419	Stone sidewalk	21	Aug.,	1893	158 40	39 60	118 80	20 years	4½ per cent.
1420	Stone sidewalk	21	Aug.,	1893	363 00	165 00	198 00	20 years	4½ per cent.
1421	Stone sidewalk	21	Aug.,	1893	638 00	378 00	265 00	20 years	4½ per cent.
1422	Stone sidewalk	21	Aug.,	1893	345 00	127 00	218 00	20 years	4½ per cent.
1423	Stone sidewalk	21	Aug.,	1893	545 00	278 50	266 50	20 years	4½ per cent.
1424	Stone sidewalk	21	Aug.,	1893	545 00	278 50	266 50	20 years	4½ per cent.
1425	Stone sidewalk	21	Aug.,	1893	540 00	276 00	264 00	20 years	4½ per cent.
1426	Stone sidewalk	21	Aug.,	1893	742 50	319 50	423 00	20 years	4½ per cent.
1427	Stone sidewalk	21	Aug.,	1893	147 00	43 80	103 20	20 years	4½ per cent.
1428	Stone sidewalk	21	Aug.,	1893	454 00	256 00	198 00	20 years	4½ per cent.
1429	Stone sidewalk	21	Aug.,	1893	116 00	61 00	55 00	20 years	4½ per cent.
1430	Stone sidewalk	21	Aug.,	1893	672 00	272 00	400 00	20 years	4½ per cent.
1431	Stone sidewalk	21	Aug.,	1893	428 00	226 00	202 00	20 years	4½ per cent.
1438	Stone sidewalk	16	Oct.,	1893	981 00	262 20	718 80	20 years	4½ per cent.
1439	Stone sidewalk	16	Oct.,	1893	1,487 00	749 50	737 50	20 years	4½ per cent.
1440	Stone sidewalk	16	Oct.,	1893	226 00	127 00	99 00	20 years	4½ per cent.
1441	Stone sidewalk	16	Oct.,	1893	2,229 00	640 20	1,588 80	20 years	4½ per cent.
1442	Stone sidewalk	16	Oct.,	1893	1,172 00	370 00	802 00	20 years	4½ per cent.
1443	Stone sidewalk	16	Oct.,	1893	1,334 00	616 25	717 75	20 years	4½ per cent.
1444	Stone sidewalk	16	Oct.,	1893	629 99	347 50	281 50	20 years	4½ per cent.
1445	Stone sidewalk	16	Oct.,	1893	638 00	325 25	312 75	20 years	4½ per cent.
1446	Stone sidewalk	16	Oct.,	1893	1,389 00	589 00	800 00	20 years	4½ per cent.
1453	Stone sidewalk	27	Nov.,	1893	579 60	223 20	356 40	20 years	4½ per cent.
1478	Plank sidewalks	9	July,	1894	4,423 10	2,161 31	2,261 79	10 years	4½ per cent.
1479	Stone sidewalk	17	Sept.,	1894	1,046 25	450 75	595 50	20 years	4½ per cent.

SCHEDULE "A"—*Continued.*

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amt. of debt created.	Amt. to be borne by the city.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Interest.
1480	Stone sidewalk	17 Sept., 1894	1,465 00	553 00	912 00	20 years	4½ per cent.
1481	Stone sidewalk	17 Sept., 1894	862 50	390 00	472 50	20 years	4½ per cent.
1482	Stone sidewalk	17 Sept., 1894	660 00	324 00	336 00	20 years	4½ per cent.
1483	Stone sidewalk	17 Sept., 1894	2,628 75	1,323 75	1,305 00	20 years	4½ per cent.
1486	Plank sidewalks	17 Sept., 1894	15,931 10	7,122 37	8,808 73	10 years	4½ per cent.
1487	Stone sidewalk	17 Sept., 1894	738 12	304 25	433 87	20 years	4½ per cent.
1488	Stone sidewalk	17 Sept., 1894	197 50	115 00	82 50	20 years	4½ per cent.
1489	Stone sidewalk	17 Sept., 1894	171 00	71 00	100 00	20 years	4½ per cent.
1490	Stone sidewalk	17 Sept., 1894	456 00	258 00	198 00	20 years	4½ per cent.
1491	Stone sidewalk	17 Sept., 1894	462 00	264 00	198 00	20 years	4½ per cent
1492	Stone sidewalk	17 Sept., 1894	458 50	358 50	100 00	20 years	4½ per cent
1493	Stone sidewalk	17 Sept., 1894	650 00	352 00	298 00	20 years	4½ per cent
1494	Stone sidewalk	17 Sept., 1894	1,004 00	388 25	615 75	20 years	4½ per cent.
1495	Stone sidewalk	17 Sept., 1894	359 00	179 50	179 50	20 years	4½ per cent.
1496	Stone sidewalk	17 Sept., 1894	174 38	76 13	98 25	20 years	4½ per cent.
1498	Stone sidewalk	17 Sept., 1894	1,208 63	457 97	750 66	20 years	4½ per cent
1499	Stone sidewalk	17 Sept., 1894	1,216 50	553 50	663 00	20 years	4½ per cent.
1500	Stone sidewalk	17 Sept., 1894	393 00	144 50	248 50	20 years	4½ per cent.
1501	Stone sidewalk	17 Sept., 1894	1,840 00	823 50	1,016 50	20 years	4½ per cent
1502	Stone sidewalk	17 Sept., 1894	981 00	447 00	534 00	20 years	4½ per cent.
1503	Stone sidewalk	17 Sept., 1894	360 00	195 00	165 00	20 years	4½ per cent.
1504	Stone sidewalk	17 Sept., 1894	1,537 50	399 50	1,138 00	20 years	4½ per cent.
1505	Stone sidewalk	17 Sept., 194	2,016 00	564 00	1,452 00	20 years	4½ per cent.
1506	Plank sidewalks	17 Sept., 1894	2,648 00	1,156 40	1,491 60	10 years	4½ per cent.
1507	Plank sidewalks	17 Sept., 1894	757 00	307 99	449 01	10 years	4½ per cent.
1532	Stone sidewalk	4 March, 1895	575 37	159 90	415 97	20 years	4½ per cent.
1533	Stone sidewalk	4 March, 1895	204 53	51 13	153 40	20 years	4½ per cent
1534	Stone sidewalk	4 March, 1895	2,110 00	646 00	1,464 00	20 years	4½ per cent.

1535

1535	Stone sidewalk	4	March, 1895	962 00	372 00	590 00	20 years	4½ per cent.
1536	Stone sidewalk	4	March, 1895	723 75	301 50	422 25	20 years	4½ per cent.
1537	Stone sidewalk	4	March, 1895	698 75	297 50	401 25	20 years	4½ per cent.
1538	Stone sidewalk	4	March, 1895	681 25	284 50	396 75	20 years	4½ per cent.
1539	Stone sidewalk	4	March, 1895	420 00	156 00	264 00	20 years	4½ per cent.
1540	Stone sidewalk	4	March, 1895	1,830 00	781 87	1,048 13	20 years	4½ per cent.
1566	Stone sidewalk	15	July, 1895	478 38	255 99	222 39	20 years	4 per cent.
1567	Stone sidewalk	15	July, 1895	324 00	126 00	198 00	20 years	4 per cent.
1570	Stone sidewalk	15	July, 1895	322 64	166 32	166 32	20 years	4 per cent.
1571	Stone sidewalk	15	July, 1895	642 34	332 57	309 77	20 years	4 per cent.
1572	Stone sidewalk	15	July, 1895	609 84	263 76	346 08	20 years	4 per cent.
1573	Stone sidewalk	15	July, 1895	622 30	286 72	335 58	20 years	4 per cent
1574	Stone sidewalk	15	July, 1895	493 50	206 22	287 28	20 years	4 per cent
1578	Stone sidewalk	30	July, 1895	1,229 45	559 74	669 71	20 years	4 per cent.
1579	Stone sidewalk	30	July, 1895	434 42	162 66	271 76	20 years	4 per cent
1580	Stone sidewalk	30	July, 1895	647 85	293 16	354 69	20 years	4 per cent.
1581	Stone sidewalk	30	July, 1895	1,310 09	350 60	959 40	20 years	4 per cent
1582	Stone sidewalk	30	July, 1895	1,890 00	489 60	1,400 40	20 years	4 per cent
1584	Stone sidewalk	12	Aug., 1895	3,477 75	1,737 15	1,740 60	20 years	4 per cent
1585	Stone sidewalk	12	Aug., 1895	303 06	103 74	199 32	20 years	4 per cent.
1586	Stone sidewalk	12	Aug., 1895	1,548 75	846 30	702 45	20 years	4 per cent.
1587	Stone sidewalk	12	Aug., 1895	796 95	413 28	383 67	20 years	4 per cent
1588	Stone sidewalk	12	Aug., 1895	150 15	87 78	62 37	20 years	4 per cent.
1589	Stone sidewalk	12	Aug., 1895	606 38	242 55	363 83	20 years	4 per cent
1590	Stone sidewalk	12	Aug., 1895	55 44	27 72	27 72	20 years	4 per cent.
1591	Stone sidewalk	12	Aug., 1895	166 32	83 16	83 16	20 years	4 per cent
1592	Stone sidewalk	12	Aug., 1895	367 50	159 60	207 90	20 years	4 per cent.
1598	Plank sidewalks	16	Sept., 1895	5,871 48	2,859 57	3,011 91	10 years	4 per cent
1599	Stone sidewalk	7	Oct., 1895	1,710 14	1,523 61	1,186 53	20 years	4 per cent.
1600	Stone sidewalk	7	Oct., 1895	258 30	120 96	137 34	20 years	4 per cent
1601	Stone sidewalk	7	Oct., 1895	764 35	218 78	545 57	20 years	4 per cent.
1602	Stone sidewalk	7	Oct., 1895	740 28	297 16	443 12	20 years	4 per cent.
1604	Stone sidewalk	7	Oct., 1895	4,378 00	2,154 49	2,223 51	20 years	4 per cent.
1605	Stone sidewalk	16	Sept., 1895	674 10	277 20	396 90	20 years	4 per cent.

1606

SCHEDULE "A"—*Continued.*

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amt. of debt created.	Amt. to be borne by the city.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Interest.
1606	Stone sidewalk	7 Oct., 1895	259 56	93 24	166 32	20 years	4 per cent.
1607	Stone sidewalk	7 Oct., 1895	122 64	67 20	55 44	20 years	4 per cent.
1608	Stone sidewalk	7 Oct., 1895	214 20	89 46	124 74	20 years	4 per cent.
1609	Stone sidewalk	7 Oct., 1895	980 28	370 44	609 84	20 years	4 per cent
1610	Stone sidewalk	7 Oct., 1895	535 00	220 00	315 00	20 years	4 per cent
1611	Stone sidewalk	7 Oct., 1895	312 48	127 68	184 80	20 years	4 per cent.
1612	Stone sidewalk	21 Oct., 1895	763 57	212 85	550 72	20 years	4 per cent.
1615	Plank sidewalks	4 Nov., 1895	1,068 00	571 78	496 22	10 years	4 per cent.
1618	Stone sidewalk	4 Nov., 1895	671 58	297 78	373 80	20 years	4 per cent.
1619	Stone sidewalk	4 Nov., 1895	622 65	259 14	363 51	20 years	4 per cent
1620	Stone sidewalk	4 Nov., 1895	1,224 82	557 97	666 85	20 years	4 per cent.
1621	Stone sidewalk	4 Nov., 1895	1,090 95	446 46	644 49	20 years	4 per cent.
1623	Plank sidewalks	4 Nov., 1895	428 82	186 30	242 52	10 years	4 per cent.
1666	Stone sidewalk	21 Dec., 1896	385 60	110 00	275 69	20 years	4 per cent.
1667	Stone sidewalk	21 Dec., 1896	862 32	227 32	635 00	20 years	4 per cent
1668	Stone sidewalk	21 Dec., 1896	222 52	111 43	111 09	20 years	4 per cent.
1669	Stone sidewalk	21 Dec., 1896	878 88	302 46	576 42	20 years	4 per cent.
1670	Stone sidewalk	21 Dec., 1896	549 37	247 27	302 10	20 years	4 per cent.
1671	Stone sidewalk	21 Dec., 1896	645 73	344 90	300 83	20 years	4 per cent.
1672	Stone sidewalk	21 Dec., 1896	515 50	218 18	297 32	20 years	4 per cent.
1673	Stone sidewalk	21 Dec., 1896	949 98	428 56	521 42	20 years	4 per cent.
1674	Stone sidewalk	21 Dec., 1896	317 40	154 50	162 90	20 years	4 per cent
1675	Stone sidewalk	21 Dec., 1896	168 39	93 15	75 24	20 years	4 per cent.
1676	Stone sidewalk	21 Dec., 1896	1,481 59	420 17	1,061 42	20 years	4 per cent
1677	Stone sidewalk	21 Dec., 1896	719 13	263 00	456 13	20 years	4 per cent.
1678	Stone sidewalk	21 Dec., 1896	401 79	133 40	268 39	20 years	4 per cent.
1679	Stone sidewalk	21 Dec., 1896	2,968 81	1,037 53	1,931 28	20 years	4 per cent.
1680	Stone sidewalk	21 Dec., 1896	148 06	49 35	98 71	20 years	4 per cent.
1681	Stone sidewalk	21 Dec., 1896	464 08	169 20	294 88	20 years	4 per cent.

1907

1682	Stone sidewalk	21	Dec.,	1896	1,087 88	490 55	597 33	20 years	4 per cent.
1683	Stone sidewalk	21	Dec.,	1896	407 73	260 34	147 39	20 years	4 per cent.
1684	Stone sidewalk	21	Dec.,	1896	630 46	276 19	354 27	20 years	4 per cent.
1685	Stone sidewalk	21	Dec.,	1896	97 74	32 94	64 80	20 years	4 per cent.
1686	Stone sidewalk	21	Dec.,	1896	499 25	211 49	287 76	20 years	4 per cent.
1687	Stone sidewalk	21	Dec.,	1896	257 66	86 26	171 40	20 years	4 per cent.
1688	Stone sidewalk	21	Dec.,	1896	2,076 76	806 36	1,270 40	20 years	4 per cent.
1689	Stone sidewalk	21	Dec.,	1896	677 91	195 29	482 62	20 years	4 per cent.
1690	Stone sidewalk	21	Dec.,	1896	515 86	222 63	293 23	20 years	4 per cent.
1691	Stone sidewalk	21	Dec.,	1896	377 98	136 96	241 02	20 years	4 per cent.
1692	Stone sidewalk	21	Dec.,	1896	141 45	68 67	72 78	20 years	4 per cent.
1693	Stone sidewalk	21	Dec.,	1896	511 23	188 11	323 12	20 years	4 per cent.
1694	Stone sidewalk	21	Dec.,	1896	1,599 60	632 82	966 78	20 years	4 per cent.
1695	Stone sidewalk	21	Dec.,	1896	382 65	163 59	219 06	20 years	4 per cent.
1696	Stone sidewalk	21	Dec.,	1896	1,780 30	787 13	993 17	20 years	4 per cent.
1697	Stone sidewalk	21	Dec.,	1896	1,230 09	554 56	675 53	20 years	4 per cent.
1698	Stone sidewalk	21	Dec.,	1896	202 39	40 48	161 91	20 years	4 per cent.
1699	Stone sidewalk	21	Dec.,	1896	602 71	251 68	351 03	20 years	4 per cent.
1700	Stone sidewalk	21	Dec.,	1896	261 52	140 71	120 81	20 years	4 per cent.
1701	Stone sidewalk	21	Dec.,	1896	577 90	304 66	273 24	20 years	4 per cent.
1702	Stone sidewalk	21	Dec.,	1896	188 96	79 23	109 73	20 years	4 per cent.
1703	Stone sidewalk	21	Dec.,	1896	1,231 76	539 48	692 28	20 years	4 per cent
1704	Stone sidewalk	21	Dec.,	1896	166 50	94 03	72 47	20 years	4 per cent.
1710	Plank sidewalks	21	Dec.,	1896	4,862 07	2,296 36	2,565 71	5 years	4 per cent.
1711	Stone sidewalk	30	Dec.,	1896	1,027 95	224 67	803 28	20 years	4 per cent
1712	Stone sidewalk	30	Dec.,	1896	2,308 77	1,122 98	1,185 79	20 years	4 per cent.
1713	Stone sidewalk	30	Dec.,	1896	1,289 15	538 08	751 07	20 years	4 per cent.
1714	Stone sidewalk	30	Dec.,	1896	201 54	92 91	108 63	20 years	4 per cent.
1715	Stone sidewalk	30	Dec.,	1896	627 57	291 09	336 48	20 years	4 per cent.
1716	Stone sidewalk	30	Dec.,	1896	1,415 03	630 23	784 80	20 years	4 per cent.
1717	Stone sidewalk	30	Dec.,	1896	403 90	207 90	196 00	20 years	4 per cent.
1718	Stone sidewalk	30	Dec.,	1896	528 83	223 24	305 59	20 years	4 per cent.
1719	Stone sidewalk	30	Dec.,	1896	5,012 68	1,513 00	3,499 68	20 years	4 per cent.
1720	Stone sidewalk	30	Dec.,	1896	405 77	95 00	310 77	20 years	4 per cent.

1721

SCHEDULE "A"—*Continued.*

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amt. of debt created.	Amt. to be borne by the city.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Interest.
1721	Stone sidewalk	30 Dec., 1896	639 74	249 00	390 74	20 years	4 per cent.
1722	Stone sidewalk	30 Dec., 1896	599 11	304 13	294 98	20 years	4 per cent.
1723	Stone sidewalk	30 Dec., 1896	553 28	258 08	295 20	20 years	4 per cent.
1724	Stone sidewalk	30 Dec., 1896	1,108 38	462 63	645 75	20 years	4 per cent.
1725	Stone sidewalk	30 Dec., 1896	366 85	148 15	218 70	20 years	4 per cent.
1726	Stone sidewalk	30 Dec., 1896	604 07	251 61	352 46	20 years	4 per cent.
1727	Stone sidewalk	30 Dec., 1896	370 73	153 90	216 83	20 years	4 per cent.
1728	Stone sidewalk	30 Dec., 1896	2,706 28	1,310 16	1,396 12	20 years	4 per cent.
1729	Stone sidewalk	30 Dec., 1896	1,026 90	492 32	534 58	20 years	4 per cent.
1730	Stone sidewalk	30 Dec., 1896	232 38	69 03	163 35	20 years	4 per cent.
1731	Stone sidewalk	30 Dec., 1896	339 49	93 22	246 27	20 years	4 per cent.
1732	Stone sidewalk	30 Dec., 1896	707 24	348 34	358 90	20 years	4 per cent.
1733	Stone sidewalk	30 Dec., 1896	978 43	468 40	510 03	20 years	4 per cent.
1734	Stone sidewalk	30 Dec., 1896	89 13	35 64	53 49	20 years	4 per cent
1735	Stone sidewalk	30 Dec., 1896	181 06	95 71	85 35	20 years	4 per cent.
1736	Stone sidewalk	30 Dec., 1896	146 30	48 22	98 08	20 years	4 per cent.
1737	Stone sidewalk	30 Dec., 1896	812 67	423 37	389 30	20 years	4 per cent.
1738	Stone sidewalk	30 Dec., 1896	875 25	230 73	644 52	20 years	4 per cent.
1739	Stone sidewalk	30 Dec., 1896	1,770 12	476 45	1,293 67	20 years	4 per cent.
1740	Stone sidewalk	30 Dec., 1896	7,579 61	3,064 59	4,515 02	20 years	4 per cent.
1741	Stone sidewalk	30 Dec., 1896	496 74	233 94	262 80	20 years	4 per cent.
1742	Stone sidewalk	30 Dec., 1896	477 35	240 47	236 88	20 years	4 per cent.
1743	Stone sidewalk	30 Dec., 1896	310 30	139 56	170 74	20 years	4 per cent.
1744	Stone sidewalk	30 Dec., 1896	414 44	207 71	206 73	20 years	4 per cent.
1802	Plank sidewalks	21 Feb., 1898	5,008 06	2,423 37	2,584 69	5 years	4 per cent.
1803	Plank sidewalks	21 Feb., 1898	2,592 38	1,512 84	1,079 54	5 years	4 per cent.
1804	Stone sidewalks	21 Feb., 1898	17,129 90	7,857 41	9,272 49	20 years	4 per cent.
1805	Stone sidewalks	21 Feb., 1898	14,480 00	5,881 45	8,598 55	20 years	4 per cent.
1817	Stone sidewalks	14 March, 1898	11,318 53	5,438 51	5,880 02	20 years	4 per cent.

1819	Stone sidewalks	14	March,	1898	28,912 81	12,953 05	15,959 76	20 years	4 per cent
1892	Plank sidewalks	4	April,	1899	2,276 66	969 19	1,307 47	5 years	3½ per cent.
1893	Plank sidewalks	4	April,	1899	1,312 10	615 17	696 93	5 years	3½ per cent.
1894	Stone sidewalks	4	April,	1899	12,695 46	6,295 39	6,400 07	20 years	3½ per cent.
1895	Stone sidewalks	4	April,	1899	29,736 32	14,479 14	15,257 78	20 years	3½ per cent.
1896	Stone sidewalks	4	April,	1899	16,476 32	8,740 27	7,736 05	20 years	3½ per cent.
1897	Stone sidewalks	4	April,	1899	22,191 53	10,605 83	11,585 70	20 years	3½ per cent.
1982	Stone sidewalk	19	March,	1900	353 45	145 26	208 19	20 years	3½ per cent.
1984	Stone sidewalk	19	March,	1900	1,039 70	259 83	779 87	20 years	3½ per cent.
1985	Stone sidewalk	19	March,	1900	3,213 50	1,485 84	1,727 66	20 years	3½ per cent.
2010	Plank sidewalks	7	May,	1900	1,055 95	401 79	654 16	5 years	3½ per cent.
2011	Plank sidewalks	7	May,	1900	2,246 70	946 82	1,299 88	5 years	3½ per cent.
2012	Stone sidewalks	7	May,	1900	14,592 87	7,114 45	7,473 42	20 years	3½ per cent.
2013	Stone sidewalks	7	May,	1900	11,630 96	5,892 68	5,738 28	20 years	3½ per cent.
2082	Stone sidewalks	6	May,	1901	4,967 98	2,193 42	2,774 56	20 years	4 per cent.
2083	Stone sidewalks	6	May,	1901	5,838 54	3,188 51	2,650 03	20 years	4 per cent.
2084	Stone sidewalks	6	May,	1901	16,291 66	8,357 37	7,934 29	20 years	3½ per cent.
2085	Stone sidewalks	6	May,	1901	13,618 62	5,888 69	7,729 93	20 years	4 per cent.
2086	Plank sidewalks	6	May,	1901	389 50	187 70	201 80	5 years	4 per cent.
2087	Plank sidewalks	6	May,	1901	141 44	59 47	81 97	5 years	4 per cent.
2088	Plank sidewalks	6	May,	1901	904 96	392 70	512 26	5 years	4 per cent.
2188	Plank sidewalks	2	June,	1902	2,350 25	934 47	1,415 78	5 years	4 per cent.
2189	Plank sidewalks	2	June,	1902	658 08	282 22	375 86	5 years	4 per cent.
2190	Stone and Plank sidewalks	2	June,	1902	18,762 13	9,243 34	9,518 82	10 years	4 per cent.
2191	Stone sidewalks	2	June,	1902	29,486 99	15,064 28	14,422 71	10 years	4 per cent.
2192	Stone sidewalks	2	June,	1902	10,658 72	5,067 03	5,591 69	20 years	4 per cent.
2194	Stone sidewalks	2	June,	1902	15,696 67	9,384 69	6,311 98	20 years	4 per cent.
2231	Concrete and plank sidewalks	3	Nov.,	1902	18,359 16	8,840 34	9,518 82	10 years	4 per cent.
2288	Plank sidewalks	6	July,	1903	2,254 74	1,073 85	1,180 89	5 years	4 per cent.
2289	Plank sidewalks	6	July,	1903	2,220 62	1,056 46	1,164 16	5 years	4 per cent.
2290	Stone sidewalks	6	July,	1903	5,404 91	2,473 15	2,931 76	10 years	4 per cent.
2291	Stone sidewalks	6	July,	1903	15,873 08	7,494 76	8,378 32	10 years	4 per cent.
2292	Stone and plank sidewalks	6	July,	1903	25,240 08	12,127 54	13,112 54	10 years	4 per cent.
2293	Stone sidewalks	6	July,	1903	4,782 07	2,229 07	2,553 00	10 years	4 per cent.

2985

SCHEDULE "A"—*Continued.*

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amt. of debt created.	Amt. to be borne by the city.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Interest.
2365	Stone sidewalks.....	16 May, 1904	17,057 92	8,609 38	8,448 54	10 years	4 per cent
2366	Stone sidewalks.....	16 May, 1904	16,257 45	8,557 76	7,699 69	10 years	4 per cent.
2367	Stone sidewalks.....	16 May, 1904	1,049 05	596 61	452 44	10 years	4 per cent
2368	Plank sidewalks	16 May, 1904	1,488 27	766 01	722 26	5 years	4 per cent.
2369	Plank sidewalks.....	16 May, 1904	1,565 92	653 80	912 12	5 years	4 per cent.
2370	Plank sidewalks.....	16 May, 1904	301 72	135 11	166 61	5 years	4 per cent.

By-laws of the City of Ottawa, issued for Construction of Pavements as Local Improvements.

1557	Asphalt roadway	6 May, 1895	25,646 00	13,845 00	19,134 00	20 years	4 per cent.
1558	Asphalt roadway	6 May, 1895	25,646 00	12,282 00	13,364 00	20 years	4 per cent
1583	Asphalt roadway	5 Aug., 1895	54,518 00	23,692 10	30,825 90	20 years	4 per cent.
1762	Stone roadway	15 March, 1897	11,102 00	4,895 00	6,207 00	10 years	4 per cent.
1814	Asphalt roadway	14 March, 1898	32,798 73	18,055 43	14,743 30	20 years	3½ per cent.
1815	Asphalt roadway	14 March, 1898	20,140 11	10,210 00	9,930 11	20 years	3½ per cent.
1816	Asphalt roadway	14 March, 1898	24,008 57	13,306 20	10,702 37	20 years	3½ per cent.
1818	Asphalt roadway	14 March, 1898	39,974 45	19,168 77	20,805 68	20 years	3½ per cent.
1824	Asphalt roadway	14 March, 1898	49,941 82	25,467 72	24,474 10	20 years	3½ per cent.
1904	Asphalt roadway	17 April, 1899	7,048 70	2,349 57	4,699 13	20 years	3½ per cent.
1983	Asphalt roadway	19 March, 1900	14,876 40	6,463 16	8,413 24	20 years	3½ per cent
2006	Asphalt roadway	7 May, 1900	16,543 20	8,106 17	8,437 03	20 years	3½ per cent.
2007	Asphalt roadway	7 May, 1900	4,874 15	2,242 10	2,632 05	20 years	3½ per cent.
2008	Asphalt roadway	7 May, 1900	29,143 60	12,764 89	16,378 71	20 years	3½ per cent.
2009	Asphalt roadway	7 May, 1900	25,750 72	10,557 80	15,192 92	20 years	4 per cent.
2195	Asphalt roadway	2 June, 1902	40,070 00	19,626 90	20,443 10	20 years	4 per cent.
2315	Tar macadam roadway	21 Sept., 1903	2,729 20	495 36	2,233 84	10 years	4 per cent.
2371	Tar macadam roadway	16 May, 1904	3,156 81	1,018 41	2,138 40	10 years	4 per cent.
2372	Tar macadam roadway	16 May, 1904	6,938 03	2,291 71	4,643 32	10 years	4 per cent.
2373	Asphalt roadways...	16 May, 1904	20,366 82	8,932 31	11,434 51	20 years	4 per cent.

SCHEDULE

SCHEDULE B.

By Law No. 2453.

By-law approving and authorizing the execution of a certain lease to Owain Martin, George Lewis Orme and Matthew Orme of the Wellington Ward Market premises.

The Municipal Council of the Corporation of the City of Ottawa enacts as follows:

1. The lease, a copy whereof is annexed as schedule "A" hereto, between the Corporation of the City of Ottawa and Owain Martin, of the Town of Peterboro, George Lewis Orme and Matthew Orme both of the City of Ottawa: and the terms thereof are hereby approved of and ratified.

2. His Worship the Mayor is hereby authorized and instructed to execute the said agreement on behalf of the said corporation and to affix thereto the corporate seal of the City of Ottawa upon and after the due execution of the same by the said Owain Martin George Lewis Orme and Matthew Orme.

Given under the corporate seal of the City of Ottawa, this 6th. day of April, A. D. 1905.

Certified,

(Sgd.) JOHN HENDERSON, Clerk.

(Sgd.) J. A. ELLIS, Mayor.

Schedule "A" to By-Law No. 2453.

This indenture made the sixth day of April in the year of our Lord one thousand nine hundred and five, in pursuance of the *Act respecting Short Forms of Leases*, between the Corporation of the City of Ottawa, hereinafter called the "Lessors," of the first part; and Owain Martin, of the Town of Peterboro; George Lewis Orme and Matthew Orme, both of the City of Ottawa aforesaid, hereinafter called the "Lessees," of the second part.

Witnesseth, that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the lessees to be paid, observed and performed, the lessors do hereby demise and lease into the lessees all those messuages and premises known as the Wellington Ward Market, situate in the City of Ottawa in the County of Carleton, which may be more particularly described as follows, that is to say:—

All and singular those certain parcels or tracts of land and premises, situate, lying, and being in the City of Ottawa, in the County of Carleton and Province of Ontario, being composed of lots numbers nine (9), ten (10) and eleven (11) on the south side of Sparke Street, and lots numbers nine (9), ten (10) and eleven (11) on the north side of Queen Street, said lots numbering westward according to the plan made by James D. Slater, P.L.S., and registered in the Registry Office for the City of Ottawa as Number 3922, excepting thereout and therefrom all that portion of said lands described as follows:—Commencing at the north easterly corner of said lot nine (9) on Sparks Street and thence along the northerly boundary of said lots nine (9) and ten (10) on Sparks street, a distance of seventy (70) feet; thence in a southerly direction parallel to the easterly boundary of said lot nine (9) on Sparks Street for a distance of seventy-five (75) feet; and thence seventy (70) feet parallel to the northerly boundary to the easterly boundary of said lot nine (9); thence along the said easterly boundary of said lot nine (9) to the place of beginning, and also excepting

thereout

thereout and therefrom all those portions of said lots eleven (11) on Sparks Street and eleven (11) on Queen Street now in use as part of the public highway. And also excepting thereout and therefrom all those portions of said lots numbers nine (9) on the south side of Sparks Street, and nine (9) on the north side of Queen Street, which may be more particularly described as follows, that is to say:—Commencing at a point on the easterly boundary of said lot number nine (9) on the south side of Sparks Street, distant seventy-five (75) feet measured southerly from the south side of Sparks Street; thence westerly and parallel to the northerly boundary of said lot number nine (9) on the south side of Sparks Street a distance of fifteen (15) feet; thence southerly and parellel to the easterly boundaries of said lots numbers nine (9) on the south side of Sparks Street, and nine (9) on the north side of Queen Street, to the southerly boundary of said lot number nine (9) on the north side of Queen Street; thence easterly along the southerly boundary of said lot number nine (9) on the north side of Queen Street to the easterly boundary of said lot number nine (9) on the north side of Queen Street; thence northerly along the easterly boundaries of said lots numbers nine (9) on the south side of Sparks Street, and nine (9) on the north side of Queen Street, to the place of beginning.

To have and to hold the said demised premises for and during the term of ten years to be computed from the thirty-first day of March, one thousand nine hundred and four, and from thence forth next ensuing and fully to be complete and ended on the thirty-first day of March, A. D. 1914. Yielding and paying therefor yearly and every year during the said term hereby granted unto the said lessors the sum of five hundred dollars payable in advance quarterly on the following days and times, that is to say:—One hundred and twenty-five dollars to be paid on the first day of the months of July, October, January and April in each year, the first of such payments to become due and be made on the first day of January, one thousand nine hundred and five.

The said lessees covenant with the said lessors that they the lessees will put the buildings on the said premises in a thorough state of repair, suitable for the business of a piano manufactory, to be carried on therein by the lessees, and that the lessees will not during the said term make or offer any alteration or additions to or erect any new buildings upon the said premises, without first having submitted a plan or specification thereof to the lessors and obtained their approval thereof in writing. The said lessees covenant with the said lessors to pay rent and to repair reasonable wear and tear and damage by fire, lightning and tempest alone excepted, and that the said lessors may enter and view state of repair and that the said lessees will repair according to notice in writing reasonable wear and tear and damage by fire, lightning and tempest alone excepted; and will not sub-let without leave. And that they will leave the premises in good repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted. And the said lessees covenant that they will use the premises hereby demised for a piano manufactory and show room, and other purposes incidental thereto, and for no other purpose. And that the said lessees covenant with the said lessors, that they, the said lessees will, during the full term of the tenancy, hereby created or intended so to be as well as during any renewal or extension thereof, carry on the business of piano manufacturers on the said premises and will keep employed steadily in the said business on the said premises at least fifty persons and that all such persons shall reside within the limits of the City of Ottawa.

Provided that the lessees may remove their fixtures

Provided that in the event of fire, lightning or tempest, rent shall cease until the premises are re-built.

Proviso for re-entry by the said lessors on non-payment of rent or non-performance of covenants.

Provided

Provided always and these presents are upon the express condition, that if the term hereby granted or any of the goods or chattels of the lessees shall at any time during the said term, be seized or taken in execution or attachment by any creditor of the lessees, or if at any time during the said term the lessees shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent shall take the benefit of any Act, which may be in force for bankrupt or insolvent debtors, or if at any time during the said term any petition is filed or presented for the winding up of the said lessees or in case at any time during the said term the said premises become vacant and unoccupied for a period of ten days or be used by any other persons than such as are entitled to use them under the terms of this lease, or to be used for any other purpose than as above provided, or in case the lessees shall attempt to abandon the said premises or to sell and dispose of their goods and chattels so that there would not in the event of such sale or disposal be a sufficient distress on the said premises for the then accruing rent, or in case for any except unavoidable causes, the number of persons regularly employed by the said lessees at any time for the period of one week decreases below fifty, then in all, or one of the above events, immediately thereupon the then succeeding quarter's rent shall become due and payable and the lessors may re-enter and take possession of the said premises as though the lessees or their servants or any other occupants of the said premises were holding over after the expiration of the said term, and the term shall at the option of the lessors forthwith become forfeited and determined.

And the lessees covenant and agree with the lessors that notwithstanding anything contained in section 30 of Chapter 170 of the Revised Statutes of Ontario, 1897, or in any other section of the said Act, or of any other Act which has been or may hereafter be passed in amendment thereof, none of the goods or chattels of the lessees at any time during the continuance of the term hereby created on the said premises, shall be exempt from levy by distress for rent in arrear by the lessees, as provided for by the said section of the said Act above named, and that upon any claims being made for such exemption by the lessees, or on distress being made by the lessors, this covenant and agreement may be pleaded as an estoppel against the lessees in any action brought to test the right to the levying upon any such goods as are named as exempted in said section, the lessees waiving, as they hereby do, all and every benefit that could or might have accrued to them under and by virtue of the said section of the said Act, or amendment thereto, but for the above covenant.

And the lessors covenant with the lessees that if the lessees duly and regularly pay the said rent, and perform all and every the covenants, provisos and agreements herein contained, and on the part of the lessees to be paid and performed, the lessors will upon the request and at the cost of the lessees, at least six months previous to the determination of the term hereby created, grant to the lessees a renewal lease of the said hereby demised premises for a further period of ten years, at a rent of six hundred dollars per year, payable quarterly in advance.

Provided always and it is hereby expressly agreed, that in no event shall any taxes, rates, duties or assessments of any kind whatsoever, in respect of the said demised premises, be payable by the said lessees, the said lessors hereby agreeing to indemnify and save harmless the said lessees from payment of the same or any part thereof.

And it is hereby declared and agreed that these presents and everything herein contained shall respectfully enure to the benefit of and be binding upon the parties hereto, the successors and assigns of the lessors and the executors, administrators and assigns of the lessees respectively.

In

In witness whereof the said parties hereto have hereunto affixed their corporate seal and hands and seals respectively.

Signed, sealed and delivered in the presence of,

(Sgd.) O. E. CULBERT. (Sgd.) J. A. ELLIS, Mayor.

(Sgd.) OWAIN MARTIN. (Seal).
(Sgd.) GEO. L. ORME. (Seal).
(Sgd.) MATTHEW ORME. (Seal.)

CHAPTER

CHAPTER 66.

An Act to confirm Certain Alterations in The Point Pelee Marsh Drainage System and to consolidate its Indebtedness.

Assented to 12th May, 1905.

Preamble. WHEREAS the Municipal Corporation of the Township of Mersea has by petition set forth, that pursuant to By-law No. 523 finally passed by its Municipal Council on the 27th day of April, 1894, certain drainage works were constructed under the authority of *The Municipal Drainage Act* for reclaiming by dyking and pumping operations certain marsh or low lying lands in Concessions "A," "B" and "C" in the Township of Mersea for which debentures of the township were issued to the amount of $22,844, payable with interest in twenty equal annual instalments ; that pursuant to a subsequent by-law No. 690 finally passed by the said Municipal Council of Mersea on the 18th of September, 1903, certain works were undertaken for the repair, improvement and maintenance of the said drainage system for which debentures were issued to the amount of $13,721.90 payable with interest in ten equal annual instalments; that during the course of the works undertaken under said By-law No. 690, owing to the nature of the soil it became necesssary to abandon a portionof the system and to change the location of the pump-house involving a large expenditure which was and is still unprovided for; that upon a petition from a large majority of the ratepayers assessed for the drainage work an agreement was entered into in writing bearing date the 5th day of August, 1904, between the petitioner and Alister McKay the owner of lots 19, 20 and 21 in Concession "C" relating to the required alterations which was authorized by and incorporated into a By-law No. 701 passed by the petitioner's Council on the 5th day of August, 1904, that the contemplated alterations are in course of completion and payment has been made to Alister McKay as provided by the said agreement; that the petitioner has advanced Rev. Stat. c. 226

vanced large sums out of its general funds for the maintenance of the drainage work; that after payment of the debenture maturing in June, 1905, there will remain outstanding under By-law No. 523 debentures to the amount of $13,026.56 for principal; that the principal debenture indebtedness outstanding under By-law No. 690 amounts to $12,631.87 and that the sum of $20,341.57 is required to recoup the petitioner, the amounts advanced out of its general funds for maintenance and in settlement with Alister McKay and to complete the alterations now in progress, making a total indebtedness against the drainage system of $46,000; that the payment of the said indebtedness which is exclusive of the annual cost for pumping will be unduly burdensome to the ratepayers unless extended over a longer term than usual; and whereas the said corporation has by its petition prayed that the said agreement with Alister McKay and the said By-law No. 701 and the alterations thereby authorized be confirmed and declared to be legal, valid and binding, that the assessments which the said lots 19, 20 and 21 in Concession "C" are relieved from under the said agreement and the sum payable to Alister McKay thereunder be added to the assessments upon the other lands and roads assessed pro rata, that the said debts amounting to $46,000 be consolidated and that the petitioner may issue new debentures for the said total amount extending over a period of thirty years; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;—

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law and agreement in Sched. A confirmed.

1. The Agreement and by-law set forth in Schedule "A" to this Act are confirmed and the same together with the alterations in the Point Pelee Marsh Drainage System thereby authorized are declared legal, valid and binding.

Debt consolidated at $46,000 and issue of debentures authorized.

2. The said debenture and other debts and liabilities against the Point Pelee Marsh Drainage System are hereby consolidated at the sum of $46,000, and it shall be lawful for the Corporation of the Township of Mersea to pass a by-law or by-laws from time to time to raise by way of loan on the credit of the debentures by this Act authorized to be issued from any person or persons or body corporate a sufficient sum or sufficient sums to retire and pay the said debentures

debentures as or before they respectively become due and payable, as well as the said other debts and liabilities not exceeding the sum of $46,000 exclusive of the interest thereon.

Debentures, how payable.

3 A portion of the said debentures to be issued under this Act shall be made payable in each year after the said by-law or by-laws to be passed take effect for a period not exceeding thirty years from and after the first day March, 1905, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable, for principal and interest during each of the other years of the period within which the debenture debt is to be discharged. Coupons shall be attached to the said debentures for the payment of the interest thereon at any rate not exceeding five per centum per annum, and such interest shall be payable yearly on the first day of March in each and every year.

Place of payment.

4. The principal sum secured by the said debentures and the interest accruing thereon shall be payable at such place or places as the said corporation may deem expedient.

Special rate on property benefited.

5. The said corporation shall levy (in the same manner and at the same time as other taxes are levied and collected) upon and from the real property chargeable with the payment of the said debenture debt being the real estate specified in the schedule to the said By-law No. 690, other than the said lots 19, 20 and 21 in Concession "C" and upon and from the whole rateable property of the said Township of Mersea in respect of the amounts assessable against the lands and roads of the municipality in addition to all other rates to be levied in each year a local and special rate in the same relative proportions upon the lands and roads assessed other than said lots 19, 20 and 21 in Concession "C" as set forth in the schedule to said by-law No. 690 sufficient to pay the amount falling due in each year for principal and interest in respect of the debentures authorized to be issued under this Act.

Application of proceeds of debentures.

6. The said debentures and all moneys arising therefrom whether by exchange, sale, pledge or otherwise, shall be applied by the said corporation in the redemption or payment of the said debentures outstanding and interest thereon in the payment of advances out of the general funds of the Township in the completion of the works now in progress, and in the payment of expenses incurred in obtaining this Act and carrying into effect the provisions thereof

thereof and in no other manner and for no other purpose whatsoever, and such debentures may be known as "*Consolidated Point Pelee Marsh Drainage Works Debentures.*"

By-law not to be repealed until debt satisfied.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be fully paid and satisfied.

Assent of electors not required.

8. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval or receive the assent of the ratepayers of the said Township of Mersea, or to be published, mailed or served in accordance with the provisions of "*The Municipal Drainage Act*" nor shall it be necessary to register any such by-law nor to publish notice of the passing or the registration thereof.

Rev. Stat. c. 226

Treasurer to keep proper books of account.

9. It shall be the duty of the treasurer of the said township from time to time to keep and it shall be the duty of the council of the said township to cause to be kept, a proper book of account setting forth a full and particular statement, showing the number of debentures which shall be issued, from time to time, under the powers conferred by this Act, and the respective amounts which are thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall be realized from the sale or other negotiation of the said debentures and the application made thereof; and the said book of account shall at all reasonable hours be open to the inspection of any ratepayer in the said township assessed for the said drainage works, and of any of the holders of the debentures issued hereunder or of any of such debentures.

Indebtedness of township not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the corporation of the Township of Mersea for any indebtedness or liability, which may not be included in the said debenture debts of the said township.

Time for issue of debentures.

Inconsistent enactments not to apply.

11. The debentures authorized by this Act need not be dated and issued all at one time, but may be issued from time to time as required to meet the debentures and other debts by this Act consolidated whether within five years or more; and any provisions in the Acts respecting municipal institutions and "*The Municipal Drainage Act*" which are or may be inconsistent with the provisions of this Act or any of

Rev. Stat. c. 226

of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act; or in the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to an action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to or to see to the application of the purchase money or of any money loaned thereon.

Debentures not to be redeemed before maturity without consent of holder.

12. Nothing in this Act contained shall be construed as giving to the said corporation any authority to pay off or redeem any of the debentures in the preamble to this Act mentioned, before the maturity thereof, without the consent of the holder thereof.

Rates to be levied to be in lieu of rates for outstanding debentures.

13. The rates to be levied for payment of debentures authorized by this Act shall be in substitution for the rates payable in respect of the outstanding debentures issued under said by-law 523 maturing after June, 1905, and the now outstanding debentures issued under by-law 690, but any unpaid rates payable under said by-law 523 in respect of debentures maturing up to and inclusive of June, 1905, and under said by-law 690 in respect of debentures already matured may be collected and enforced as if this Act had not been passed.

Certain expenses from which lands of Alister MacKay relieved—how borne.

14. The share of the yearly expenses for pumping and repairs from which the said lands of Alister McKay, namely, lots 19, 20 and 21 in Concession "C" are relieved under the said agreement with him, dated fifth of August, 1904, shall be borne by the other lands and roads liable for such expenses pro rata.

Short title.

15. This Act may be cited as "*The Point Pelee Marsh Debenture Act, 1905.*"

SCHEDULE A.

Memorandum of Agreement made and entered into the fifth day of August, A. D. 1904, between Allister McKay, of the City of Chatham, in the County of Kent, Contractor, of the First Part, and The Corporation of the Township of Mersea, of the Second Part.

Whereas

Whereas the party of the First Part is the owner of lots numbers nineteen, twenty and twenty-one in Concession C. in the Township of Mersea, in the County of Essex, which said lots are included in the Point Pelee Marsh.

And whereas a scheme was undertaken for the reclamation of lands in the said marsh by embankment and pumping, and a by-law was passed by the municipal council of the Township of Mersea on the 27th day of April, 1894, and numbered 523, pursuant to the provisions of the *Municipal Drainage Act*, adopting a report made by Alexander Baird, Provincial Land Surveyor and Civil Engineer, for carrying out the said scheme, and the works were constructed in accordance therewith and the said lands of the party of the First Part assessed therefor.

And whereas the party of the First Part instituted proceedings against the party of the Second Part under the provisions of the *Municipal Drainage Act* claiming a mandatory order to have the party of the Second Part properly repair the embankments of said drainage scheme, also asking that the pumps be lowered and properly placed, and also asking damages and costs, the claim being more fully set out in the proceedings in the said action which is still pending.

And whereas upon instructions from the council of the Township of Mersea the said Alexander Baird on the 31st day of July, 1903, recommended the improvement of the said drainage works, including the pump house and machinery, and a by-law was provisionally adopted on the 17th day of August, 1903, providing for the construction of the improvements recommended by the said last mentioned report, and the said by-law has since been finally adopted and a contract let for the construction of the said works, and they have been partly executed.

And whereas the aforesaid lands of the party of the First Part which extend from the side-road between lots 18 and 19 in the said Concession C easterly to Lake Erie are the most southerly east of the said side-road of the lands attempted to be reclaimed by the said scheme, and the most southerly embankment at present extends along the south end of the said lands, and the pump house is situate at or about the south-easterly angle thereof.

And whereas since the construction of the works great difficulty has been experienced in maintaining the embankment owing to the character of the soil, and large sums have from time to time been expended for repairing breaks and slides in the embankments.

And whereas in the new improvements now under construction it was contemplated that at the worst places the banks should be protected by piling which would involve considerable cost.

And whereas it has become manifest to the parties that it is impossible to preserve the south embankment in a state of efficiency, and that to attempt to do so and to provide such embankments as are specified in the said last mentioned report of Alexander Baird, would involve the expenditure of a much larger sum than has been estimated, and will in the future be a constant source of expense and difficulty much out of proportion to the benefit to be derived by the said lands of the party of the First Part from the maintenance of the said south embankment.

And whereas the party of the First Part has contributed to the cost of the said drainage system very large sums of money, and it has been agreed between the parties that a change be made so that the said lands shall be omitted from the scheme, and that the party of the Second Part shall repay to the party of the First Part the amount hereinafter mentioned, in order to reimburse him in part for the large outlay which it is now found has been fruitlessly made.

And whereas a large number of the persons assessed for the said drainage works have petitioned the council of the said township to abandon the said lands of the party of the First Part upon such terms as might be agreed upon between him and the township.

Now

Now therefore the parties hereto agree as follows:—

1. The said drainage system shall be altered by cutting off and abandoning the embankments at present existing south of the road between Concessions B and C, where they pass to the east and south of the said lands of the party of the First Part, and by removing the pump house and machinery from its present location to a suitable point north of the work so to be cut off; the party of the Second Part to appoint an engineer to report on the necessary alterations required to be made in order to cut off the said lands of the party of the First Part from the scheme, and to remove and re-construct the said pump house.

2. The party of the Second Part agrees to pay to the party of the First Part the sum of four thousand dollars in settlement of all claims which the party of the First Part now has, ever had, or may hereafter have in respect to said lands against the party of the Second Part in respect of the said drainage work, and during and after the year 1904 no assessments are to be made or collected from the said lands of the party of the First Part in respect of the said drainage work, but it is understood and agreed that all assessments and taxes for the years 1902 and 1903 only, amounting to $649.69 are to be paid by the party of the First Part and deducted from the said sum of four thousand dollars above mentioned, and the amount to be paid to the party of the First Part under this agreement shall be levied and treated as part of the cost of the said drainage works.

3. The party of the First Part agrees to abandon the said proceedings against the township and to pay his own costs of such proceedings.

4. The assessments for future years made by by-laws of the party of the Second Part for the said drainage works upon the lands of the party of the First Part are to be borne by the other persons assessed towards the said works in the proportion which their assessments bear to one another, as shown by the said by-law for improvements provisionally adopted on the 17th of August, 1903, as it appears that it will be less expensive for the lands assessed for the said work, other than those of the party of the First Part, to bear the said future assessments against his lands and the further sum agreed to be paid to the party of the First Part than to attempt to repair and maintain the present works to the south and east of his property.

5. The party of the First Part on behalf of himself, his heirs, executors, administrators and assigns hereby releases the party of the Second Part from all claims and demands which he has, or ever had, by reason of the construction of the said drainage works, and of the alterations made pursuant to this agreement, or any claims which he in any wise might have by reason of anything which has happened or will hereafter happen pursuant to this agreement from the construction of the said drainage works and relative thereto, arising or connected with the lands aforesaid.

6. The party of the Second Part agrees to pass a by-law confirming this agreement and authorizing its execution on behalf of the township.

7. Both parties agree if it becomes necessary to procure an Act of the Legislature of the Province of Ontario, to confirm and validate this agreement.

In witness whereof the parties have hereto set their hands and seals the day and year aforesaid.

(Sgd.) ALISTER MCKAY, (Seal).

(Sgd.) JAMES DRUMMOND, (Seal).
Reeve.

(Sgd.) ALFRED HAIRSINE, (Seal).
Clerk.

Signed, sealed and executed in the presence of
(Sgd.) A. H. CLARKE.

BY-LAW

BY-LAW No. 701.

A By-law to authorize the execution of an Agreement between Allister McKay, of the City of Chatham, in the County of Kent, and the Corporation of the Township of Mersea.
Passed August 5th, 1904.

Whereas it has become apparent that it is impossible to maintain the embankments around the lands of the said Allister McKay, being lots numbers 19, 20 and 21 in Concession C, in the Township of Mersea, which are included in the Point Pelee Marsh Drainage System.

And whereas an agreement has been made with the said Allister McKay in the terms of the memorandum hereunto annexed, which is made part of this by-law.

Be it therefore enacted by the municipal council of the corporation of the Township of Mersea that the said memorandum of agreement between the said Allister McKay and this township be approved, and that the Reeve and Clerk do execute the same on behalf of the said corporation of the Township of Mersea, and affix the corporate seal of the said township thereto.

Be it further enacted that it be referred to W. G. McGeorge, O. L. S., of the City of Chatham, to report to this council upon the alterations required to be made in the said drainage system, including the removal of the pump house in order to carry out the said agreement, and that his report to this council contain an estimate of the cost of the proposed alterations.

(Sgd.) ALFRED HAIRSINE, Clerk. (Sgd.) JAS. A. DRUMMOND, Reeve.
(Seal).

CHAPTER

CHAPTER 67.

An Act respecting the Town of Peterborough.

Assented to 25th May, 1905.

Preamble

WHEREAS the Corporation of the Town of Peterborough has represented that the said town now contains over fourteen thousand inhabitants and has by petition prayed that it may be incorporated as a city with all the rights, powers and privileges of cities under the provisions of *The Consolidated Municipal Act, 1903;* that the council of the said town may be authorized to purchase from The Roman Catholic Episcopal Corporation for the Diocese of Peterborough lots numbers Four, Five and Six north of Murray Street and West of George Street and Lots Numbers Four, Five and Six south of McDonnel Street and west of George Street in the Town of Peterborough for the sum of Thirty thousand dollars ($30,000) for the purposes of providing a site for an Armory and a Collegiate Institute and to convey such parts thereof as may be necessary to the Crown and the Board of Education for the said purposes; that the Town and County of Peterborough may be authorized to convey Lot number Three south of McDonnel Street and west of George Street in the said Town of Peterborough to the said Board of Education for school purposes and to convey Lot number Three north of Murray street and West of George street to the Crown for an armory site and to ratify and confirm By-law Number 863 of the Corporation of the County of Peterborough passed on the first day of December, 1904, to authorize such conveyance; that By-law Number 1,126, passed on the Thirteenth day of February, 1905, to aid the Peterborough Cereal Company (Limited), by a grant of land and a fixed assessment of $10,000 for ten years, set forth as Schedule "A" hereto may be ratified and confirmed; that By-law Number 1,127, passed on the Thirteenth day of February, 1905, to aid the Peterborough Shovel and Tool Company (Limited), by a grant of land and a fixed assessment of $4,000 for ten years, set forth as Schedule "B" hereto may be ratified and confirmed and that the Commissioners

 of

of The Peterborough Town Trust may be authorized to grant and convey for a nominal consideration the lands in said by-law mentioned to the said Peterborough Shovel and Tool Company (Limited), on the terms and conditions in said by-law set out; that the several by-laws of the said town specified in Schedule "C" hereto, of which by-laws Numbers 1,077, 1,117, and 1,119 were submitted to and received the assent of the duly qualified ratepayers, may be ratified and confirmed; that section 3 of the Act passed in the 3rd year of the reign of His Majesty King Edward the Seventh, Chaptered 74, may be amended to authorize revenue from the waterworks up to $50,000, as a contingent the Water Commissioners to retain the whole surplus fund and whereas the value of the whole rateable property of the said town according to the last revised assessment roll is $5,265,949, and the existing debenture debt exclusive of local improvement debts is $558,040.07, of which no sum whether for principal or interest is in arrear, and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation of the City of Peterborough.

1. On and after the first day of July, 1905, the Town of Peterborough shall be and is hereby incorporated as a city to be thereafter known as "The Corporation of the City of Peterborough" and as such shall enjoy, possess and exercise all the rights, powers and privileges of cities under *The Consolidated Municipal Act, 1903*, and any amendment thereof.

3 Edw. VII., c. 19.

Wards.

2. The City of Peterborough shall be divided into five wards with the same designations and boundaries as the wards of the said town.

Constitution of Council.

3. The present Mayor and council of the said town shall be and continue to be the Mayor and council of the said city and shall hold office until the election of their successors as provided by the said *Municipal Act* and shall have, possess and exercise all the rights and powers and perform all the duties pertaining to the offices of Mayor and Aldermen respectively of a city and in the case of the death or resignation of the said Mayor or any member of the council, the vacancy so created shall be filled as provided by the said *Municipal Act* in case of such vacancies in cities.

Assets and obligations of town to be transferred to city.

4. The City of Peterborough shall in all matters whatsoever stand and be in the place of the Town of Peterborough and all property of every kind and all rights, interests

ests, assets and effects, taxes, rates, dues, revenues, obligations, securities and income now belonging or accruing due to or which may be collected or be assessed by the said town shall pass, belong to and be the property rights, interests, assets, effects, taxes, rates, dues, revenues, obligations, securities and income of the City of Peterborough and in the management of, assessment for and collection of all the said property and revenue of every kind the City of Peterborough shall have full power to assess for, demand, collect and receive the same as the said town would have had and the said city shall assume and hereby assumes all accounts, debts, debentures and liabilities of every kind now due, contracted or accruing due or for which the said town, but for the passing of this Act would be liable and the same may be collected and sued for from and against the City of Peterborough to the same extent and in the same manner, except as to the change of name, as if the said corporation had remained a town and all acts, matters and things whatsoever which might lawfully be done by the Town of Peterborough shall and may be done by the City of Peterborough as well as such other acts, matters and things as may be done by a city under the provisions of the said *Municipal Act* and all acts, works, matters and things begun, authorized or initiated by the said town may be completed by the said city; the intention hereof being that in all acts, matters and things the said city shall be and stand in the place of the said town.

Commissioners of Peterborough town trust.

5. The Commissioners of the Peterborough Town Trust, appointed under the provisions of the Act passed in the 24th year of the reign of Her late Majesty Queen Victoria, Chaptered 61, and amendments thereto and now acting shall continue to be the Commissioners of the said trust under the name of The Commissioners of the Peterborough City Trust, with the same powers, rights and duties as heretofore and all lands, debentures, securities and other assets now vested in or held, controlled or managed by the said Commissioners shall continue to be vested in and held, controlled and managed by the said Commissioners and their successors under the provisions of said Act and the amendments thereto which said Act and amendments shall remain in force and be applicable to the said Commissioners of the Peterborough City Trust and their successors.

Water Commissioners

6. The Water Commissioners of the said Town of Peterborough, elected under the provisions of the Act passed in the 2nd year of the reign of His Majesty King Edward the Seventh, Chaptered 59, shall continue to be the Water Commissioners

Commissioners for the said City of Peterborough until their successors are elected under the provisions of the said Act with all the powers, rights, authorities, immunities and duties heretofore exercised by or conferred on the Water Commissioners of the said town.

Present officers and servants.

7. The officers and servants of the said town shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said city.

Application of statute law and by-laws.

8. All Statutes heretofore passed and in force on the 1st day of July, 1905, relating to the said Town of Peterborough, the Commissioners of the Peterborough Town Trust and the Peterborough Water Commissioners, except as hereby altered, shall remain in force and effect and be applicable to the said City of Peterborough and the said Commissioners and all by-laws in force in the said town on the First day of July, 1905, shall continue in force in the said city until repealed or altered by the council thereof.

Qualification at election held before Dec. 1st, 1905.

9. At any election or in voting on any by-laws in the said city held prior to the 1st day of December, 1905, the qualifications of the electors, Mayor, Aldermen, School Trustees and Water Commissioners shall be the same as required in towns.

Assessment roll and voters lists.

10. The last revised assessment roll and the voters lists of the said town shall be the roll and voters lists to be used for any election for Mayor or members of the municipal council of the said city and for School Trustees and Water Commissioners until another assessment roll shall be made and finally revised and the voters lists thereunder shall have been duly made and completed.

Application of 3 Edw. VII. c. 19.

11. The provisions of *The Consolidated Municipal Act, 1903*, relating to matters consequent on the formation of new municipal corporations and the other provisions of *The Consolidated Municipal Act, 1903*, relating to cities shall after the First day of July, 1905, except so far as is herein otherwise provided apply to the said City of Peterborough in the same manner as if the said town had been erected into a city under the provisions of the said *Municipal Act*.

Purchase of certain lands as site for Armory and Collegiate Institute authorized.

12. It shall be lawful for the council of the said town or City of Peterborough to purchase from the Roman Catholic Episcopal Corporation for the Diocese of Peterborough, Lots numbers Four, Five and Six north of Murray Street and west of George Street, and Lots numbers Four, Five

Five and Six south of McDonnel Street and west of George Street in the Town of Peterborough for the price or sum of $30,000 for a site for an armory and a Collegiate Institute and to convey for a nominal consideration such portions thereof as may be necessary and on such conditions as may be agreed on to His Majesty King Edward the Seventh, or to such other person as may be designated by the Minister of Public Works for Canada for a site for an Armory and to the Board of Education of the Town or City of Peterborough for a site for a Collegiate Institute.

Conveyance of land to Board of Education authorized.

13. Notwithstanding anything contained in Chapter 67 of the Acts passed in the 42nd year of the reign of Her late Majesty Queen Victoria, it shall be lawful for the Corporation of the town or city of Peterborough and the Corporation of the County of Peterborough to grant and convey for a nominal consideration to the Board of Education of the Town or City of Peterborough for school purposes Lot number Three south of McDonnel Street and west of George Street and to grant and convey for a nominal consideration to his Majesty King Edward the Seventh, or to such other person as may be designated by the Minister of Public Works of Canada, for a site for an armory lot number three north of Murray Street and west of George Street in the said Town of Peterborough vested in the said corporations by the said Act; and By-law Number 863 of the said Corporation of the County of Peterborough passed on the First day of December, 1904, authorizing the conveyance of same by or on behalf of the said county, is hereby ratified, confirmed and validated.

By-laws set out in Sched. "C" confirmed.

14. The By-laws of the Corporation of the Town of Peterborough specified in Schedule "C" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are hereby confirmed and declared to be legal, valid and binding.

By-law No. 1126 of Town of Peterborough confirmed.

15. By-law number 1,126 of the Corporation of the Town of Peterborough passed on the Thirteenth day of February, 1905, intituled "A by-law to aid the Peterborough Cereal Company (Limited)" by a grant of land and a fixed assessment of $10,000 for ten years which by-law is set out as Schedule "A" hereto is confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

By-law No. 1127 of Town of Peterborough confirmed.

16. By-law Number 1,127 of the Corporation of the Town of Peterborough, passed on the Thirteenth day of February, 1905, intituled "A by-law to aid the Peterborough Shovel and

and Tool Company (Limited)" by a grant of land and a fixed assessment of $4,000 for ten years, which by-law is set out in Schedule "B" hereto is confirmed and declared legal, valid and binding according to the true intent and meaning thereof and it shall be lawful for the Commissioners of the Peterborough Town Trust or Peterborough City Trust at the request of the council of the Town of Peterborough to grant and convey for a nominal consideration to the said Peterborough Shovel and Tool Company (Limited) the lands and premises in said by-law described upon and subject to the terms, provisions and conditions in said by-law mentioned.

3 Edw. VII. c. 74, s. 3 amended.

17. Section 3 of the Act passed in the 3rd year of His Majesty's reign, Chaptered 74, is amended by striking out all the words after the word "retain" in the nineteenth line thereof and inserting in lieu thereof the words "the surplus annual revenue derived from the said waterworks, after providing for all ordinary expenses of management and maintenance and a sum sufficient to meet the interest and sinking fund on the waterworks debentures, until the said contingent fund amounts to the sum of $50,000 and while the said contingent fund remains at the said sum of $50,000 the whole of such surplus annual revenue shall form part of the general funds of and be paid over to the corporation of the City of Peterborough.

Application of part of sum to be raised under By-law 1077.

18. The sum of $10,000, part of the sum of $50,000 to be raised under said by-law number 1,077 of the corporation of the said town may be used and expended by the council of the said town or city towards the payment of the purchase money for the lands in section 12 hereof mentioned.

SCHEDULE "A"

(Section 15)

By-law number 1126. A by-law to aid the Peterborough Cereal Company, Limited, passed the 13th day of February, 1905.

Whereas the Peterborough Cereal Company, Limited, has represented to the Council of the Town of Peterborough that the said company proposes to purchase from W. H. Meldrum the buildings lately erected by him and situated on part of lot number four south of Simcoe Street and East of Water Street in the Town of Peterborough together with the following land namely:—Lots numbers four and five east of Water Street and south of Simcoe Street except the southerly fifty feet thereof and that part of lot number three east of Water Street and south of Simcoe Street described as follows:—Commencing at a point on the northern limit of said lot at the distance of sixty feet easterly from the north-west angle thereof, thence southerly parallel with the western limit of said lot to a point distant fifty feet northerly from the southern limit thereof,

of, thence easterly parallel with the said southern limit to the eastern limit of said lot, thence northerly along said eastern limit to the north-east angle of said lot, thence westerly along the northern limit of said lot to the place of beginning and to erect and equip on the same and the land hereinafter mentioned a Flour Mill and a mill for the manufacture of cereal foods and to erect a grain elevator and a warehouse in connection therewith at a cost of at least $100,000 and to have the said mills completed and in running order within eighteen months from the passing of this by-law and to give employment to at least thirty hands and to increase the capacity of the same from time to time as the requirements of the trade demand, and has applied to the said council for aid in the establishment of the said manufactory by a grant of part of the reserve along the River Otonabee and also part of the land covered with water opposite the same vested in the said town by patent from the Crown dated the first day of February, 1902, which lands may be described as follows:—Commencing at the intersection of the south side of Simcoe Street with the western limit of the said reserve along the River Otonabee, thence easterly in a direct line drawn as an extension eastward of the south side of Simcoe Street to the westerly limit of the lands granted to the Canadian Pacific Railway Company by patent from the Crown dated the 31st day of January, 1902, thence southerly along the western limit of said land granted to the Canadian Pacific Railway Company to a point therein where a direct line drawn from and as a continuation eastward of the boundary line between the lots south of Simcoe Street and the lots north of Charlotte Street would strike the same, thence westerly along said line drawn as a continuation eastward of said division line to the western limit of the said reserve along the River Otonabee; thence northerly along the west side of said reserve to the place of beginning, and by granting partial exemption from taxation in respect to same by fixing the assessment of the said property at the sum of ten thousand dollars for the term of ten years.

And whereas it is desirable and in the public interest to encourage the promotion of the said manufacturing establishment as aforesaid, and to pass a by-law for the said purpose, subject to the confirmation thereof by the Legislature.

The corporation of the Town of Peterborough by the council thereof, therefore enacts as follows:—

1. This by-law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario.

2. The land above mentioned shall be conveyed to the said Peterborough Cereal Company, Limited, upon and only upon and subject to the terms and conditions hereinafter mentioned, and until the said conditions have been fully performed and carried out the said company shall not be entitled to the said conveyance or to any interest in or right to the said land or any part thereof —such terms and conditions being as follows:—

(a) The said company shall within eighteen months from the passing of this by-law erect, complete and equip with suitable and sufficient machinery on the land to be purchased from the said W. H. Meldrum and the land above mentioned a flour mill, a mill for the manufacture of cereal and vegetable foods, a grain elevator, and a warehouse at a cost of at least $100,000, and have the same in actual operation and employing at least thirty hands, such flour and cereal and vegetable mills and warehouse to be substantial brick buildings, and all such buildings and machinery to be in all respects suitable and sufficient for the purposes aforesaid.

(b) The said company shall before the said date construct a concrete drain or conduit at least four feet in diameter inside measurement, or such other less capacity as the council may approve of, from the northern to the southern limit of the land to be conveyed to the company by the corporation for the purpose of carrying water from the river through the said land, such drain or conduit

conduit to be placed, constructed, and at all times maintained by and at the expense of the said company as directed by and to the satisfaction of the corporation engineer.

(c) The said conveyance to the company from the corporation shall contain and be subject to the conditions that the said company, its successors or assigns shall not sell or otherwise dispose of the said land thereby conveyed or any part thereof in parcels, but that if sold or disposed of it must be sold or disposed of en bloc and for manufacturing purposes, and that in the event of such sale or other disposal or attempted sale or disposal of the said land except en bloc and for manufacturing purposes, or in the event of the said land to be so conveyed by the corporation to the company, within the period of ten years from the conveyance thereof ceasing to be bona fide used for the manufacture of flour, cereal or vegetable foods or other manufacturing business to be approved of by the town council, substantially according to the capacity thereof, for the period of twelve consecutive months, then in either case said land and the buildings, machinery and erections thereon shall revert and become the absolute property of the corporation of the Town of Peterborough, free from any claim thereto of the said company or its assigns, unless the said company or its assigns shall within six months after such period of twelve months for which the said lands shall have ceased to be used as aforesaid pay to the corporation of the Town of Peterborough the full sum of one thousand dollars, provided always that in the event of the failure to use the said lands as aforesaid, being due to strikes or the destruction of the buildings or machinery by fire or tempest, the time during which the said lands shall so cease to be used in consequence of such strikes or destruction of the buildings or machinery (not exceeding in either case one year) shall not be counted in the said period of twelve months to entitle the said corporation to resume the ownership of the said land, or to be paid the value of the same as aforesaid.

3. The conveyance of the said lands to be in form approved by the Town Solicitor for most effectually protecting the interest of of the corporation.

4. Provided the said company shall erect, equip, occupy and use the said buildings on the lands hereinbefore described within the time hereinbefore limited, the assessment of the said lands used exclusively for manufacturing purposes, and the buildings, plant, machinery and fixtures thereon used exclusively for manufacturing purposes on which taxes are to be levied shall be fixed and remain fixed at the sum of $10,000 for a period of ten years commencing on the first day of January, 1906, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly, but the said lands shall also be liable for all frontage and local improvement assessments, rates and taxes that may be charged against the same, provided however that if the said company shall at any time within the said term of ten years fail or neglect to carry on the said manufacturing business as above provided, for the time above stated, or shall fail or neglect to carry out any of the terms of this by-law, then such fixed assessment shall cease and the said lands, buildings, plant, machinery and fixtures shall be assessed as provided by the *Assessment Act* then in force.

5. The said company shall prior to the first day of March in each year file with the Town Clerk a statutory declaration, made by an officer of the company, who shall therein state his knowledge of the facts, proving that the company has complied with and is observing all the terms, conditions and provisions of this bylaw and those contained in the said conveyance and on the neglect of the said company to furnish such declaration it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept.

(Sgd.) HENRY BEST,
Mayor.

(Sgd.) S. R. ARMSTRONG,
Clerk.

SCHEDULE

SCHEDULE B.

(*Section* 16.)

By-law No. 1127.

A by-law to aid The Peterborough Shovel and Tool Company, (Limited),

Passed the 13th day of February, 1905.

Whereas the Peterborough Shovel and Tool Company (Limited) proposes to establish in the Town of Peterborough a manufactory and to erect a substantial brick building 200 feet long and 65 feet wide and instal machinery therein to the value of $25,000 and sufficient to manufacture fifty dozen shovels per day and to employ on an average at least twenty hands, and have applied to the Council of the Town of Peterborough for aid in establishing such manufactory by the grant of land for the site for the same.

And whereas the lands hereinafter mentioned are vested in the Commissioners of the Peterborough Town Trust and by the act of the Legislative Assembly of the Province of Ontario, 33 Victoria chapter 70, the said Commissioners are authorized and empowered to sell and convey the said lands and all moneys received from the sale thereof may be applied in reduction of the debenture indebtedness of the said town or may be paid over to the Treasurer of the said town if required by the Town Council.

And whereas it is desirable and in the public interest to encourage the promotion of the said manufacturing establishment and for that purpose to sanction and approve of the conveyance by the said Town Trust Commissioners of the lands hereinafter mentioned to the said Peterborough Shovel and Tool Company (Limited) for the nominal consideration of one dollar upon the terms and subject to the conditions hereinafter set out.

And whereas by By-law number 1075 of the said Corporation the said Council sanctioned and approved of the conveyance of the lands hereinafter mentioned to the Peterborough Lock Manufacturing Company (Limited) on the conditions in said by-law mentioned but the said conveyance was not given and the said Peterborough Lock Manufacturing Company (Limited) has by resolution and notice thereof to the said Council abandoned its right thereto and it is advisable to repeal said By-law number 1075.

The Corporation of the Town of Peterborough by the Council thereof therefore enacts as follws:

1. By-law number 1075 of the said Corporation is hereby repealed.

2. This by-law as to section 1 thereof shall take effect on the passing thereof and as to the other sections thereof shall take effect upon and only upon the same being confirmed by an act of the Legislature of the Province of Ontario.

3. The Council of the said Town of Peterborough hereby sanctions and approves of the conveyance by the Commissioners of the Peterborough Town Trust to the Peterborough Shovel and Tool Company (Limited) for the nominal consideration of one dollar and upon the terms and conditions hereinafter set out of lots numbers ten and eleven north of Perry Street and lot number ten and the south half of lot number eleven south of Rink Street all west of George Street in the said Town of Peterborough, provided the said Company shall within one year from the passing of this by-law have erected and completed on the said lands a substantial brick building suitable for the said manufactory at least 200 feet in length by 65 feet in width or the equivalent thereof and of suitable height and shall have installed in said building within the time aforesaid at least twelve thousand dollars' worth of machinery suitable for the manufacturing of shovels and shall have the same in actual operation and running order and capable of manufacturing at least fifty dozen of shovels per day and have in its employment in said manufactory at least twenty hands, which said conveyance

shall

shall contain and be subject to the condition that the said company its successors or assigns shall not sell or otherwise dispose of the said land or any part thereof in parcels but that if sold or disposed of it must be sold or disposed of en block and for manufacturing purposes and that in the event of such sale or other disposal or attempted sale or disposal of the said land except en block and for manufacturing purposes or in the event of the said land within the period of ten years from the conveyance thereof t the said Company ceasing to be bona fide used for the manufacture of shovels or other manufacturing business approved of by the Town Council substantially in accordance with the capacity thereof for the period of twelve consecutive months then in either case the said lands and the buildings thereon shall revert to and become the absolute property of the said Commissioners of the Peterborough Town Trust free from any claim thereto or therein of the said company or its assigns unless the said company or its assigns within six months after such period of twelve months during which the said lands shall have ceased to be used as aforesaid pay to the said Commissioners the full sum of $4,000.

Provided always that if the failure to so use the said lands is due to strikes or to the destruction of the buildings or machinery by fire or tempest, the time during which the said lands shall so cease to be used in consequence of such strikes or destruction of the buildings or machinery (not exceeding in either case one year) shall not be counted in the said period of twelve months which entitles the said Commissioners to resume the ownership of said lands or to be paid the price thereof as aforesaid. The conveyance of the said lands to be in form approved by the Town Solicitor for most effectually protecting the interest of the said Commissioners.

4. Provided the said company shall erect, equip, occupy and use the said building on the lands hereinbefore described within the time hereinbefore limited, the assessment of the said lands used exclusively for manufacturing purposes and the buildings, plant, machinery and fixtures thereon used exclusively for manufacturing purposes on which taxes are to be levied shall be fixed and remain fixed at the sum of $4,000, for a period of ten years commencing on the first day of January, 1905, and the return and oath of the Assessor or Assessors in respect thereof shall be amended accordingly; but the said lands shall also be liable for all frontage and local improvement assessments, rates, and taxes that may be charged against the same—provided, however, that if the said company shall at any time within the said term of ten years fail or neglect to carry on the said manufacturing business as above provided for the time above stated or shall fail or neglect to carry out any of the terms of this by-law, then such fixed assessment shall cease and the said lands, buildings, plant, machinery and fixtures shall be assessed as provided by the Assessment Act then in force.

5. The said company shall prior to the first day of March in each year file with the Town Clerk a Statutory declaration, made by an officer of the company who shall therein state his knowledge of the facts, proving that the company has complied with and is observing all the terms, conditions and provisions of this by-law and those contained in the said conveyance and on the neglect of the said company to furnish such declaration it shall be prima facie taken that such terms, conditions and provisions have not been performed, observed and kept.

(Sgd.) HENRY BEST,
Mayor.

(Sgd.) S. R. ARMSTRONG,
Clerk.

SCHEDULE

SCHEDULE "C."

PARTICULARS OF BY-LAWS CONFIRMED BY SECTION 14 OF THE FOREGOING ACT.

No.	Object.	When Passed by Council.	Amount of Debt Created.	Period of Payment.	Rate of Interest.
1077	Debentures for purchase of site and to pay cost of erection and equipment of Collegiate Institute	20 May, 1904	$50,000.00	30 years	4½
1079	Local Improvement Debentures for share of cost of granolithic sidewalks constructed in 1903, payable by local special rates	6 June, 1904	6,655.93	20 do	4
1080	Local Improvement Debentures for share of cost of granolithic sidewalks constructed in 1903, payable by the Corporation	6 June, 1904	4,972.29	20 do	4
1081	Local Improvement Debentures for share of cost of sewers constructed in 1903, payable by the Corporation	6 June, 1904	1,044.45	30 do	4
1082	Local Improvement Debentures for share of cost of sewers constructed in 1903, payable by local special rates	6 June, 1904	4,224.20	30 do	4
1100	Debentures for purchase of a site for an Armory	4 November, 1904	10,000.00	30 do	4
1112	Debentures to raise amount required by the Board of Education to pay for alterations in the heating apparatus in the Central Public School	15 December, 1904	3,000.00	30 do	4
1117	Debentures to pay for making extensions, improvements and alterations in the Waterworks system	9 January, 1905	20,000.00	30 do	4
1119	Debentures to pay for reconstructing and repairing bridges and purchasing land for and opening new streets	9 January, 1905	12,000.00	20 do	4

CHAPTER 68.

An Act respecting the Town of Petrolia.

Assented to 25th May, 1905.

Preamble. WHEREAS the Corporation of the Town of Petrolia has by petition represented that it has constructed a large number of expensive public works and improvements of a permanent character, most of which have been undertaken during the past fifteen years, including a costly system of water works, supplying the corporation with water from Lake Huron, a distance of twelve miles; the erection of a town hall; the building of public schools; the construction of a sewerage system; the purchase of a market site, and the building of a steel bridge: that the debentures issued to defray the cost of the said works and improvements are largely outstanding and for the most part cover a shorter period of time than the probable duration of the respective works for which they were issued: that the debentures of the said Corporation, maturing in the year 1905, exclusive of frontage rates, amount to the sum of $20,194.49; in the year 1906 to the sum of $19,311.70, and in the year 1907 to the sum of $17,533.95: that the amount of the whole rateable property of the Corporation, according to the last revised assessment roll thereof, is the sum of $1,335,245 the said amount being as high as it is practicable to make the assessment, and that the total amount of the existing debenture debt of the Corporation is $212,278.71 whereof no part of the principal or interest is in arrear; that the taxes, inclusive of School rates, levied annually upon all of the rateable property of the said corporation during the past nine years have been levied and collected in each of said years at an unusually high rate; that additional public works and improvements will be required by the said Corporation in the present and several years immediately next ensuing, including a large central public school and the paving of a considerable part of the main street of the Town, for defraying the cost of which additional debentures will require to be issued, necessarily increasing

increasing the amount of the debentures now outstanding and maturing in said years: that the said Corporation has a floating indebtedness of about $8,000, incurred by reason of the taxes levied from year to year having fallen short of the amount required to meet annual payments of principal and interest falling due in respect to the said debenture indebtedness, necessitating overdrafts upon the bank account of the said Corporation: that to pay the said floating indebtedness and to meet the annual payments falling due for principal and interest on the said debenture debt, would be unduly oppressive to the ratepayers, and it is desirable in the interests of the said Corporation that it be authorized to borrow on the credit of the Municipality in the year 1905 an amount not to exceed $14,000, to be applied, Firstly, in liquidating the said floating indebtedness, and Secondly in retiring outstanding debentures of the said Corporation falling due in said last mentioned year; in the year 1906 to borrow an amount not exceeding $4,000, and in the year 1907 to borrow an amount not exceeding $2,000, to be applied in retiring outstanding debentures of said Corporation maturing in each of said last mentioned years respectively, and to spread the payment of the amount or amounts so borrowed over a period of years by the issue of debentures of the Corporation therefor: and whereas the said Corporation by its petition has further shown that by By-law No. 747, passed on the 27th day of March, 1905, set forth as Schedule "C" hereto it was enacted, subject to the confirmation thereof by an Act of the Legislature that William C. Noxon, James W. McCutcheon and their associates and assigns, when incorporated as a company under the laws of the Province of Ontario, shall have the right to manufacture and supply gas to the inhabitants of the said Municipality for the period of twenty years from the first day of January, 1905, and further that the annual assessment of the real and personal property of the company, when incorporated as aforesaid, shall be fixed at the sum of $3,000 for a period of ten years from the said first day of January, 1905: and whereas it is desirable in the interests of the said Municipality that a gas manufacturing plant should be established therein, and that the inhabitants thereof should have the opportunity of obtaining gas for heating, cooking, and lighting purposes, and for the purpose of inducing the establishment of such plant, and of obtaining for the ratepayers the advantages attendant upon the manufacture and supply of gas within the Municipality, it is desirable that the assessment of the said company should be fixed as aforesaid for a term of ten years: and whereas the said Corporation has by its

its petition prayed that an act may be passed by which said By-law No. 747 may be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow $14,000 in 1905, $4,000 in 1906 and $2,000 in 1907.

1. The Corporation of the Town of Petrolia may for the purpose of paying off the floating indebtedness of the said Corporation amounting to $8,000, and of retiring a portion of the outstanding debentures of said Corporation maturing in each of the said years, 1905, 1906, and 1907, pass a by-law or by-laws for authorizing the issue of and may issue debentures in the year 1905 to an amount not exceeding $14,000; in the year 1906 to an amount not exceeding $4,000, and in the year 1907 to an amount not exceeding $2,000.

Application of proceeds.

2. The debentures issued under the authority of this Act in the year 1905, and any and all moneys arising therefrom shall be applied, Firstly, in payment of the floating indebtedness of the said Corporation, and Secondly, towards the redemption of the outstanding debentures of the said Corporation maturing in said last mentioned year; and the debentures issued in the years 1906 and 1907 and all moneys arising therefrom shall be applied towards the redemption of the outstanding debentures of the said Corporation maturing in each of the said two last mentioned years respectively, according to the true intent and meaning of this Act, and in no other manner, and for no other purpose whatsoever.

Debentures, how payable.

3. The debentures issued under the authority of this Act may be made payable at any place in Canada, and shall be in sums of not less than $100 each, with coupons for interest attached thereto, or with the interest included in the debentures.

Form of debentures and by-laws.

4. The said debentures shall be under the common seal of the Corporation, signed by the Mayor and counter-signed by the Treasurer thereof, and may be in the form or to the effect of Schedule "B" hereto or as near thereto as the Corporation shall find convenient, and shall be payable in thirty years from the date thereof, and may bear interest at such rate not exceeding four and one-half per cent. per annum, as to the said Corporation may seem meet, and such interest shall be payable yearly at the places and on the days mentioned therein.

5.

Annual instalments of principal and interest.

5. A portion of the debentures authorized to be issued under the authority of this Act shall be made payable in each year for a period of thirty years from the day of the date of the respective issues thereof so that the aggregate amount to be levied and payable for the principal and interest in any one year in respect of any debt contracted under this Act by any issue of debentures shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which such debt is to be discharged.

Annual special rates.

6. The said Corporation shall levy annually in each year of any such period of thirty years in addition to all other rates to be levied, in each year, by a special rate on all the rateable property of the said Corporation a sum sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Reduction of former rates on application of proceeds of new debentures.

7. The amount required to be levied annually by any special rate or rates under the provisions of any by-law or by-laws of the said Corporation or of any special Act or Acts of this Legislature heretofore passed shall be reduced by such portion of the proceeds of the sale of the debentures issued under the authority of this Act as are applied to the outstanding debentures heretofore issued under any such by-law or Act.

Form of by-law.

8. It shall be sufficient if any by-law or by-laws of the Corporation, passed under the authority of this Act, be in form or to the effect of the form of Schedule "A" to this Act set forth, notwithstanding any provisions of *The Consolidated Municipal Act, 1903*, or the amendments thereto.

Assent of electors not required.

9. It shall not be necessary to obtain the assent of the ratepayers to the passing of any by-law for the issue of debentures under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, or the amendments thereto, and no irregularity in the form of the said debentures or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof.

Irregularities in form not to invalidate debentures.

10.

Purchaser not bound to see to application of proceeds.

10. The purchaser of any of the debentures which shall be issued under the authority of this Act, shall not be bound to see to the application of the purchase money, and any of the said debentures, which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favor thereof to have been so issued.

By-law No. 747 (Gas Company franchise) confirmed.

11. By-law Number 747 of the Municipal Corporation of the Town of Petrolia set forth as Schedule "C" to this Act intituled "a By-law granting to William C. Noxon and his associates, when incorporated as a Company, the right to manufacture and supply Gas within the Town of Petrolia for a period of twenty years and for fixing at a certain amount for ten years the assessment of the property of said Company," is ratified and confirmed and declared valid and binding upon said Corporation and the ratepayers thereof.

Short title.

12. This Act may be known as "*The Petrolia Debenture Act, 1905.*"

SCHEDULE A.

FORM OF BY-LAW.

BY-LAW NUMBER ..... OF THE CORPORATION OF THE TOWN OF PETROLIA.

A by-law to authorize the issue of $ debentures under the authority of *The Petrolia Debenture Act, 1905.*

Whereas it is necessary to raise a loan of $ for the purpose of paying off the floating debt of the Corporation of the Town of Petrolia and of retiring a portion of its debentures falling due under the provisions of *The Petrolia Debenture Act, 1905.*

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Petrolia.

1. The Mayor and Treasurer are hereby authorized and directed to borrow, on the credit of the said corporation, under the authority of the said Act, and for the purpose hereinbefore mentioned, the sum of $, and to issue the debentures of the corporation for such purpose to the amount aforesaid.

2. The said debentures shall be payable in manner following, that is to say, in equal amounts each year for thirty years from the issue thereof, including principal and interest.

3. The said debentures shall bear interest at the rate of per cent. per annum payable yearly on the thirty-first day of December in each year during the currency thereof.

4. The said debentures shall be drawn in sums of not less than $100.00, Canadian currency, and shall be payable at the office of the Treasurer of said municipality in the Town of Petrolia, Ontario.

5.

5. The proceeds of the loan hereby authorized to be affected and of the debentures hereby authorized to be issued shall be applied for the purpose mentioned in the said Act and for no other purposes whatsoever.

Passed in open Council this day of A. D. 1905.

.....
Mayor.

.....
Clerk.

SCHEDULE B.

FORM OF DEBENTURE.

No. $ Province of Ontario, Town of Petrolia.

Under and by virtue of an Act passed in the fifth year of the reign of His Majesty King Edward the Seventh, known as *The Petrolia Debenture Act, 1905,* and by virtue of By-law No. of the Corporation of the Town of Petrolia, passed under the powers contained in the said Act.

The Corporation of the Town of Petrolia promises to pay the bearer at the office of the Treasurer of the said municipality in the Town of Petrolia, Ontario, the sum of dollars, Canadian Currency, on the thirty-first day of December, A.D. 19

.....
Mayor.

.....
Treasurer.

SCHEDULE C.

BY-LAW NUMBER 747.

A by-law granting to William C. Noxon and his associates when incorporated as a company the right to manufacture and supply gas within the Town of Petrolia for a period of twenty years and for fixing at a certain amount for ten years the assessment of the property of said company.

Whereas the said William C. Noxon, James W. McCutcheon and their associates, purpose to become organized and incorporated as a company under the laws of the Province of Ontario, and in order to carry out the said object it is the intention of the said parties to erect in the said Town of Petrolia, buildings and other necessary adjuncts, and to lay gas pipes and mains and they desire the consent and authority of the Municipal Council of the Town of Petrolia to said work.

And whereas it is in the interests of this corporation that said company should be given the rights and privileges hereinafter contained and that this by-law should be validated and confirmed by an Act of the Legislature of the Province of Ontario.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Petrolia, subject to this by-law being validated and confirmed by an Act of the Legislature of the Province of Ontario as follows :—

1. That the company, which said William C. Noxon, James W. McCutcheon and their associates and assigns propose to organize and cause to be incorporated under the laws of the Province of

Ontario shall, when so incorporated, have the right and privilege of erecting and maintaining gas works within the Town of Petrolia for a period of twenty years after the passing of this by-law and of using either natural or artificial gas, or both, and of laying and continuing gas mains and pipes under and across any and all streets, sidewalks, lanes, alleys, public places and squares in said town and manufacturing and distributing gas for sale and supplying the same for lighting, heating, cooking and all other purposes for which gas is capable of being used, and the said Municipal Council of the Town of Petrolia confers upon said company and consents to its possessing and enjoying and agrees that said company shall have all the rights, privileges and powers conferred and be subject to all the duties and obligations imposed upon said company by R.S.O. 1897, Chapter 199 and Amending Acts.

2. Provided however that said company shall not break, dig or tear up any pavement or other road surface, or make any excavations in or under any of the streets, highways or public places within said corporation for the purpose of laying down the said pipes or mains and repairing or maintaining them or otherwise in connection with their works or operation without giving previous notice in writing to the Street Commissioner of the corporation specifying therein the part of the street or highway which it is proposed to break, dig or tear up or in or under which it is proposed to make any excavation, and provided also that said company shall not do any of the work or operations hereinbefore in this clause recited at a time when the Street Commissioner shall notify the said company in writing not to do so.

Provided however that said company shall not at any time break open, cut or make any trench in or upon or disturb any part of any street, alley or lane or public places which shall happen to be paved with asphalt, cement or granolithic pavement or any like material, of a like character, without the sanction of the council of this corporation by resolution first had and obtained therefor.

3. And provided also that said company shall perform all the work which it shall do in or under any street or highway within the said corporation under the supervision of the Street Commissioner and shall lay pipes and mains at such depth, in such portion of the street and otherwise as the Street Commissioner may deem necessary or expedient in order to prevent unnecessary injury to the streets and highways or danger to the public, and shall not in any way interfere with any sewer or drain, water, gas or other pipe which may be laid therein.

4. And provided also that said company shall not break, dig up or open or keep open more of the streets or highways of the said corporation at any one time than the Street Commissioner shall deem expedient and shall not keep the same open for a longer period than is absolutely necessary to perform the work which is being performed, and not after the lapse of such period as the Street Commissioner shall by any notice in writing direct.

5. Provided also that said company shall while any work is in progress in any of the streets, highways or public places within the said corporation, keep and maintain such barriers, and lights and take such care and precaution as may be necessary or the Street Commissioner may require for the protection and safety of property and the public.

6. Provided that said company shall without any unreasonable delay and to the satisfaction of the Street Commissioner repair and make good the streets, highways, and public places which they shall break, dig up or open for any of the purposes aforesaid or injure in so doing and shall leave all such in as good condition as nearly as practicable as they were before the work was commenced, and shall from time to time forthwith upon receiving notice

notice from the Street Commissioner or the chairman of the Board of Works Committee of the town so to do, repair any damages to or the sinking of any street or pavement consequent upon the operations of said company.

7. Provided further that said company shall make good to any person or persons who, or body corporate which shall be injured either in person or property, by or through the negligence of the said company in the construction, repair, maintenance or operations of its works, the loss and damage sustained by him or them and shall indemnify and save harmless this corporation from all actions, suits, claims and demands which may be brought or prosecuted against this corporation in consequence of any act, default or omission of the company or of the exercise by the company of any of the rights conferred by the said by-law.

8. Provided also that said company shall be liable for any and all loss and damage that said corporation or any person or persons, company or companies may suffer, bear, sustain or be put to in consequence of or by reason of any neglect or default on the part of the company to steadily keep up and constantly and regularly maintain a supply of gas for the purposes aforesaid unless default so to do be the result of some unavoidable accident to the plant or equipment of said company.

9. Provided also that if said company shall neglect to repair or make good any street, highway or public places which shall be broken, dug up or opened in or for the construction, repair or maintenance of its works, or in or for the carrying on of its operations within such time as the Street Commissioner shall in writing appoint for that purpose and to the satisfaction of the said Street Commissioner or if the said company shall omit to do any other act or thing which by the term of this Agreement or otherwise it ought to do in or in connection with the breaking, digging up or opening of any of the streets, highways or public places within the said corporation for the purposes aforesaid or any of them the same may be done by the said corporation, and the amount which the said Street Commissioner shall certify to be the cost thereof shall be paid by the company to the corporation within ten days after the certificate of the Street Commissioner shall be served upon them.

10. Provided that said company shall within three months after the confirmation of this by-law by an Act of the Legislature of the Province of Ontario commence the operation of building and establishing such gas manufacturing plant and the laying of such mains and pipes and shall within twelve months after the passing of this by-law have such gas manufacturing plant completed and sufficient mains and pipes laid to supply at least one mile of streets of the town with gas and a failure to commence the said operations within the said time and complete the same according to the terms of this by-law shall render this by-law null and void and all the privileges hereby granted shall cease and determine.

11. Said company shall supply all persons along the lines of pipe laid by it, who may suitably supply their premises and buildings with facilities for receiving and burning gas and who may request and pay for the same and sign the rules and regulations usual with gas companies, with gas equal to the Government standard for lighting purposes at a rate not exceeding $2.00 per 1,000 cubic feet, and with gas for heating purposes at a rate not exceeding $1.60 per 1,000 cubic feet.

12. Provided however that the rights and privileges hereby granted to said company shall not be held to restrict or prevent any person or persons, body politic or corporate from laying mains or pipes under, along or across the highways, streets and roads of said corporation for the purpose of conveying natural gas from any well or wells or any property, of which such person or persons,

sons, body politic or corporate may be the owner or lessee to any other property in said corporation or elsewhere of which such person or persons, body politic or corporate may also be the owner or lessee for his or their use and not for sale, or to restrict said corporation from giving permission to any such person or persons, body politic or corporate so to do.

13. Provided also that such rights and privileges shall be had and enjoyed by said company so proposed to be incorporated by said William C. Noxon, James W. McCutcheon, and their associates and assigns, subject to any privileges and rights which now are held by the Carman Natural Gas Company of Ontario, Limited, under the provisions of By-law Number 588 of this corporation provisionally passed on the 4th day of October, 1899, and finally passed on the 31st day of October, 1899.

14. The annual assessment of the real and personal property of said proposed company and of its successors and assigns, connected with and necessary to its gas manufacturing plant, mains, pipes, revenues or otherwise, howsoever, including school taxes, shall be fixed at the sum of $3,000.00 for a period of ten years from and inclusive of the first day of January, 1905.

15. Provided also that such annual assessment so fixed by the next preceding paragraph hereof, shall extend to and include any and all additions to said manufacturing plant, mains, pipes and machinery erected for the purposes of said plant at any time after said date and during the period for which said annual assessment is fixed as aforesaid.

16. Provided that all the rights and privileges in and by this by-law granted to said company are subject to the paramount right of this corporation at all times to construct, lay, relay, maintain and repair all requisite sewers and drains, gas, water and other pipes and mains for the use of itself or the public.

17. Provided that in case, after having commenced to supply the inhabitants with gas as hereinbefore provided, said company are unable to maintain or make default in continuously, steadily and regularly maintaining, an ample supply of said gas for the purposes and as herein and in said by-law specified, and a period of thirty days shall have elapsed without the supply of gas having been sufficiently augmented and supplied to the inhabitants and the town as herein provided, according to the true intent and meaning hereof, then the corporation may, upon giving the said company fifteen days' prior notice in writing of its intention so to do, by by-law repeal and annul all or such of the rights and privileges granted to the said company in and by this by-law and under or by any other agreement made or by-law or by-laws of said corporation passed in respect thereof, as said town may see fit.

18. Provided also that this by-law shall not go into force nor take effect unless and until said company enters into and executes an agreement with and to the satisfaction of the municipal council of this corporation embodying the terms of this by-law and such other terms, provisoes and conditions as the said municipal council may deem expedient.

19. Provided also that no amalgamation, with any other company and no sale to or purchase from any other company or individual or any other change whatever in the said company shall in any way affect the provisions of this by-law and if such amalgamation sale or purchase take place the provisions of this by-law shall apply to the amalgamated or purchasing company or individual.

20. Provided that any notice required to be served on or given to said company may be served or given by mailing the same at the

the Public Post Office in Petrolia, addressed to the company or by leaving the same at the office or place of business of the said company in Petrolia.

21. Wherever the words "Street Commissioner" occur in this by-law they shall be deemed to mean the Street Commissioner of this corporation for the time being and wherever it is provided herein that the Street Commissioner may do any act or acts or may give or be given any notice then and in every such case the words "Street Commissioner" shall be deemed to mean and include the Chairman of the Board of Works Committee of this Corporation in the event of the absence of the said Street Commissioner.

Passed this 27th day of March, 1905, in open council.

JOHN D. NOBLE,
Mayor.
JOHN MCHATTIE,
Clerk.

CHAPTER

CHAPTER 69.

An Act respecting the Town of Port Arthur.

Assented to 25th May, 1905.

Preamble. WHEREAS the Municipal Corporation of the Town of Port Arthur has, by petition, represented that The Atikokan Iron Company, Limited, and The Canadian Northern Coal and Ore Dock Company, Limited, are about to erect a blast furnace and other extensive works in the Town of Port Arthur; and whereas the said corporation has by the said petition prayed that by-law No. 778 of the said corporation intituled "By-law respecting certain aid or bonus to The Atikokan Iron Company, Limited, and to authorize in connection therewith certain agreements with that company and with The Canadian Northern Coal and Ore Dock Company, Limited, and Mackenzie, Mann & Company, Limited," set forth in Schedule "A" to this Act, which by-law was on the 22nd day of March, 1905, duly submitted to the ratepayers entitled to vote thereon, when out of 756 ratepayers entitled to vote upon said by-law 372 voted in favour thereof, and 120 voted against it, be ratified, legalized and confirmed; and whereas by the said petition it is represented that under section 20 of the Act passed in the 3rd year of His Majesty's reign, Chaptered 76, the town was empowered to construct a system of sewers and to issue debentures for the cost thereof, the property fronting or abutting upon such sewers to pay one dollar per foot frontage towards the cost of such sewers and the municipality at large to pay the balance of such cost; and whereas the municipality issued such debentures and contracted for the sale thereof, but doubts have arisen as to the right of the municipality at large to guarantee the payment of the portion of such debentures issued to cover the frontage rate of one dollar per foot; and whereas it is desirable that such doubts should be removed, and that such debentures should be validated and confirmed; and whereas by the said petition it is represented that it

it is necessary for the town to obtain gravel for grading its electric street railway, and for street purposes, and that it is desirable that power be granted to expropriate lands in or out of the municipality for obtaining such gravel; and whereas by the said petition it is represented that the electric railway and light commissioners of the town have control of the maintenance and operation of the electric railway, lighting, power and telephone systems of the town, and it is advisable to place under the control of the said commissioners the water works system of the town; and whereas it is represented by the said petition that the town is installing a sewer system, and that no provision is made in *The Consolidated Municipal Act, 1903*, for the construction of sewer connections from the street line to premises proposed to be connected, and that the municipality should be empowered to make such connections and to charge the cost thereof against the property benefited; and whereas it is desirable to confirm and validate all tax sales heretofore held by the town; and whereas by the Act incorporating the Town of Port Arthur, being Chapter 57 of the Acts passed in the 47th year of the reign of Her late Majesty Queen Victoria, it was provided that all expenses for improvements and services should be by special assessment under the local improvement clauses of *The Municipal Act*, and whereas certain bridges in the town have been constructed as local improvements and paid for by the properties benefited, but it is now necessary to replace such bridges, and it is desired to do so at the general expense of the municipality; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law bonusing Atikokan Iron Company Limited, confirmed.

1. Subject to the provisions hereinafter contained the by-law of the municipal corporation of the Town of Port Arthur, finally passed on the 27th day of March, 1905, intituled "By-law respecting certain aid or bonus to The Atikokan Iron Company, Limited, and to authorize in connection therewith certain agreements with that company and with The Canadian Northern Coal and Ore Dock Company, Limited, and Mackenzie, Mann & Company, Limited," set forth in Schedule "A" to this Act, is confirmed and declared to be legal, valid and binding upon the

the said municipal corporation and the ratepayers of the said town, and the said corporation is hereby declared to have full power and authority to enter into and carry out the two agreements with the said companies mentioned in and attached to the said by-law and set forth in Schedule "A" hereto, and the said agreements shall be valid and binding in all respects upon the parties thereto, and upon all other parties interested therein, notwithstanding anything to the contrary in *The Consolidated Municipal Act, 1903*, or any other Act contained.

3 Edw. VII., c. 19.

Debentures for $225,000 authorized.

2. The said corporation may issue debentures under its seal, and signed by the Mayor, and countersigned by the Treasurer of the said town for the time being, for the sum of $225,000, in sums of not less than $100 each, and payable as to principal and interest in the time and manner set out in the said by-law.

Informalities not to invalidate debentures.

3. No irregularity in the form of the said debentures, or of the said by-law, shall render the same invalid or illegal, or be allowed as a defense to any action brought against the said corporation for the recovery of the amount of the said debt with interest, or any or either of them or any part thereof.

Hypothecation of debentures and bonds pending sale.

4.—(1) The corporation of the said town may from time to time sell or dispose of the debentures to be issued under the said by-law, or may, pending the sale of the said debentures, hypothecate the said debentures for the purpose of purchasing the said lands and bonds of the Iron Company, and for the same purpose may hypothecate the said bonds of the Iron Company as collateral security for advances so obtained.

Sale of bonds of Iron Company authorized.

(2) The corporation of the said town may from time to time sell and dispose of any of the said bonds of the said Iron Company held by the said corporation, and the monies so received shall be dealt with and be applied as hereinafter provided.

Application of moneys received in payment of principal or interest on bonds.

5.—(1) All monies received in payment of principal or interest upon the bonds of the said Iron Company or any of them to be purchased under the said agreements or realized from the sale of the said bonds or any of them shall be placed to a special account in the books of the said corporation and shall be deposited in a chartered bank or invested in securities approved by the council of

of the said corporation and shall be used for the following and no other purposes, *viz.*:—the interest received from said bonds or investments shall be from time to time applied as follows, *viz.*: on account or in full of interest on the debentures to be issued under the said by-law set out in Schedule "A" to this Act, and the principal and any surplus interest shall be applied in retiring any of the said debentures before maturity, with the consent of the holders thereof, and whenever at the end of any year there is a balance at the credit of the said special account, the same or a sufficient amount thereof to meet the sinking fund for the ensuing year shall be carried to the credit of the sinking fund for payment of the said debentures, and in either case the amount respectively required by the said by-law to be raised, levied and collected for interest and sinking fund account respectively in each year shall be respectively reduced by the amounts so paid for interest and credited to the sinking fund as the case may be.

(2) In case any monies at the credit of the said special account are not required for the purposes provided for in the preceding subsection by reason of the previous retirement of the said debentures or of a sufficient sum having been placed to the credit of the said sinking fund to discharge the said debentures at maturity, the same shall form part of the general funds of the said municipality.

Exemption of property of Atikokan Iron Company and Canadian Northern Coal and Ore Dock Company from taxation and fixing of assessment.

6. The real and personal property and business of the Atikokan Iron Company, Limited, and The Canadian Northern Coal and Ore Dock Company, Limited, in the Town of Port Arthur, now or hereafter acquired, and all additions and improvements thereto so far as the same are, respectively, included in and situated and carried on upon the dock property, and the lands, respectively, mentioned and described in sections 2 and 9, respectively, of the agreement between the corporation of the Town of Port Arthur and the said Iron Company and Dock Company set out in Schedule "A" to this Act, are declared to be exempt from assessment and taxation for all purposes, except as to taxes for school purposes and local improvements for a period of twenty years from the 27th day of March, 1905, and the assessment of the said property and business of the said companies for school taxes shall not in any year during the said period exceed in all the sum of $200,000, including assessment upon real property, business assessment or other assessment to which the said companies may be liable, and the proportion of the said assessment for school taxes to be borne by each of the said companies shall be determined from time to time

time by agreement between the said companies, or in default of such agreement the same shall be adjusted and determined by by-law of the council of the said town.

Amount to be expended by company on blast furnace, etc.

7. Out of the $700,000 received from the bonds to be purchased by the Town of Port Arthur, Mackenzie, Mann and Company, Limited, and J. C. Hunter and his associates, as mentioned in paragraph 5 of the said agreement, not less than $500,000 shall be expended upon the furnace works, roasters, coke ovens and other plant and buildings to be erected upon the site in Port Arthur of the Iron Company's works.

Debentures for sewer purposes validated.

8. The debentures issued or to be issued by the Town of Port Arthur for the cost of the system of sewers or any additions or extensions thereto as provided by section 20 of the Act passed in the 3rd year of His Majesty's reign, Chaptered 76, are hereby declared valid and binding upon the corporation of the Town of Port Arthur, and the said town is declared to have power and authority to guarantee the payment of the portion of the said debentures issued to cover the portion of the cost to be levied by special rate of one dollar per foot frontage on all real property fronting or abutting upon the street or streets on which a sewer is constructed.

Taking gravel, etc., for roads and for electric railway.

9. The council of the said town may pass a by-law or by-laws for searching for and taking such gravel, stone, or other material or materials within or outside of the municipality as may be necessary for keeping in repair any road or highway and for ballasting or keeping in repair the electric street railway of the town. The right of entry upon such lands, as well as the price or damage to be paid to any person for such gravel, stone or other materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of *The Consolidated Municipal Act, 1903.* When such gravel, stone or other materials are situate at a distance from the road or highway or the part of the street railway upon which the same are to be used, the corporation may by its servants, officers or workmen enter upon and pass through or into or over the lands of any person lying between such road or highway or street railway, and such gravel, stone or other material or materials. Provided that before so doing the corporation shall pay to the owner of any such lands such compensation as may be agreed upon, or in default of agreement such compensation as may be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1903.*

3 Edw. VII., c. 19.

Proviso.

3 Edw. VII., c. 19.

10.

Town may place water works under control of Electric Railway and Light Commission.

10. It shall be lawful for the municipal council of the said town, if it be deemed advisable, at any time hereafter to place the control of the maintenance and operation of the waterworks system of the town with the Electric Railway and Light Commissioners, and the said commissioners shall thereupon in addition to the powers they now have as Electric Railway and Light Commissioners have the same powers with regard to the watrworks system as waterworks commissioners now have or hereafter may have under the provisions of *The Municipal Waterworks Act* or *The Consolidated Municipal Act, 1903*, and amendments to the said Acts.

Town authorized to make connections between sewer, or water main and buildings of owner upon request, and to charge lands with payment

11. The corporation of the Town of Port Arthur, upon the request of the owner of any lands fronting on a street in which a sewer, drain or water main is constructed by the corporation, may make all necessary connections on such lands between such sewer, drain or water main and the lands or buildings of such owner, and may charge the cost thereof against the lands of such owner, and may add the amount to the collector's roll and levy and collect the same in the same manner as other taxes, or the said corporation may for the purpose of making such connection issue debentures from time to time payable within ten years from the date of issue for such amount as may be necessary, and may assess and levy a special annual rate upon such lands sufficient to pay the debt so contracted in equal annual instalments of principal and interest. The council of the said corporation may include in one by-law and in one issue of debentures as aforesaid the cost of making any number of such connections, and the rates imposed in such by-law may be raised, levied and collected in the same manner as other taxes.

Tax sales confirmed.

12. All sales of lands within the said town had before the first day of January, 1904, and purporting to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear or any failure to comply with the requirements of *The Assessment Act* in regard to the manner in which any assessment roll or collector's roll of the said town has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for return of any collector's roll of the said town, or in regard to the furnishing, authenticating or depositing of any list of lands in arrear for taxes within the said town, or in regard to the mailing of notice to any person

4 Edw. VII., c. 23.

son in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of the said town to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained. Provided, however, that the rights of parties in any action or proceeding now pending shall not be affected.

Issue of debentures to cover cost of McVicar's bridge authorized.

13. It shall be lawful for the corporation of the Town of Port Arthur for the purpose of paying for a permanent bridge over McVicar's Creek on Cumberland St., Port Arthur, over which its electric street railway now runs, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation not exceeding $2,500 in such sums of not less than $100 each as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date and shall bear interest at a rate not exceeding 5 per cent. per annum payable half yearly, and shall be signed by the mayor and treasurer of the said town for the time being, and may be made payable either in sterling or currency, in Great Britain, in this Province, or elsewhere, as to the said corporation of the Town of Port Arthur shall seem expedient.

Constructing bridges and issuing debentures therefor.

14. Upon receiving the assent of the ratepayers as provided by *The Consolidated Municipal Act, 1903*, the town shall be at liberty to construct any bridge or bridges of steel, concrete, stone or other permanent material, and issue debentures therefor as a general debt of the municipality at large.

Short title.

15. This Act may be cited as *The Port Arthur Act, 1905*.

SCHEDULE "A."

TOWN OF PORT ARTHUR.

No. 778.

By-law respecting certain aid or bonus to The Atikokan Iron Company, Limited, and to authorize in connection therewith certain agreements with that company and with The Canadian Northern Coal and Ore Dock Company, Limited, and Mackenzie, Mann & Company, Limited.

1. Whereas the Corporation of the Town of Port Arthur purposes to enter into the agreements hereto annexed with Mackenzie, Mann

Mann & Company, Limited, The Atikokan Iron Company, Limited, and The Canadian Northern Coal and Ore Dock Company, Limited, and it is expedient to make provision for the carrying out of the terms thereof and to issue the debentures necessary for that purpose to the extent of $225,000.

2. And whereas it will require the sum of $18,805.90 to be raised annually by a special rate on the whole rateable property of the said Town of Port Arthur for the paying of the said sum of $225,000 and interest on the debentures to be issued therefor.

3. And whereas the amount of the whole rateable property of the said Town of Port Arthur according to the last revised assessment roll is $3,833,014 of which $1,505,970 is wholly exempt from taxation and $210,000 are exempt except for school taxes.

4. And whereas the amount of the existing debenture debt of the said Corporation of the Town of Port Arthur is $571,786.58 exclusive of local improvement debts secured by special acts, rates or assessments and there is no part of the principal or interest in arrear.

Therefore the Council of the Corporation of the Town of Port Arthur enacts as follows:—

1. The Corporation of the Town of Port Arthur may enter into the said agreements and execute the same under the seal of the corporation and may carry out their terms and do all things necessary therefor.

2. That for the purpose aforesaid it shall be lawful for the Mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the Town of Port Arthur to be made, executed and issued to the amount of $225,000 in sums of not less than one hundred dollars each, which said debentures shall be signed by the mayor of the said corporation for the time being and countersigned by the treasurer for the time being of the said corporation and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in twenty years from the day hereinafter appointed for the coming into force of this by-law, at the Ontario Bank, Toronto.

4. That the said debentures shall bear interest at and after the rate of five per cent. per annum from the date thereof and such interest shall be made payable half-yearly, namely on the first day of April and on the first day of October in each and every year during the currency of the said debentures at the said Ontario Bank, Toronto, and such debentures shall have attached thereto coupons for such half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of $18,805.90 shall be raised, levied and collected in each year of and from the whole rateable property of the said Town of Port Arthur by an equal special rate in addition to all other rates during the continuance of such debentures of which the sum of $11,250.00 shall be for such interest and the sum of $7,555.90 for a sinking fund for the ultimate payment of the said debentures.

6. The said corporation shall apply to the Legislature of Ontario for an Act defining the use to be made of the interest and principal received on sale or otherwise from the bonds of the Iron Company mentioned in the annexed agreement pending the maturity of the said debentures and making provision for the proper application thereof in repayment of the said debentures.

7. The works of the Iron Company mentioned in the annexed agreement shall be and are hereby exempted from all municipal taxation except school taxes and local improvements for the period of twenty years from the date when this by-law comes into force.

8. That this by-law shall come into force on the 1st day of April, 1905.

9. The votes of such of the electors of the said Town of Port Arthur as are by law entitled to vote thereon shall be taken on this by-law on the 22nd day of March, 1905, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the deputy returning officers hereinafter mentioned, that is to say:—Polling sub-division 1, Police Station, by Neil Macdougall; Polling sub-division 2, McCutcheon's Paint Shop, by Albert Bonin, and Polling sub-division 3, A. L. Russell's Office, by William Powley.

10. On the 18th day of March, 1905, at his office in the Council Chamber on Cumberland Street, in the Town of Port Arthur at 10 o'clock in the forenoon the Mayor shall in writing signed by him appoint one person to attend at each polling place and at the final summing up of the votes by the clerk of this corporation on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

11. The 23rd day of March, 1905, at the council chamber aforesaid at 12 o'clock noon is hereby appointed for the summing up by the said clerk of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur, 27th day of March, 1905.

RICHARD VIGARS,
Mayor

JAMES MCTEIGUE,
Clerk.

(Seal)

First published on the 21st day of February, 1905.

Agreement made the day of February, A.D. 1905, between Mackenzie, Mann & Company, Limited (hereinafter called contractors), of the first part, and the Corporation of the Town of Port Arthur, of the Province of Ontario, (hereinafter called the town), of the second part. Witnesseth:

1. The contractors will without delay after the execution hereof cause a company, to be called The Atikokan Iron Company, Limited, (hereinafter called the iron company) to be incorporated under the Canada Companies Act, having all necessary powers to enable it to enter into and carry out the agreement to be made between the town, the iron company and The Canadian Northern Coal and Ore Dock Company, Limited (hereinafter called the dock company), a copy of which agreement is hereto annexed; and the contractors will also cause to be incorporated under *The Ontario Companies Act* the dock company having all necessary powers to enable it to enter into and carry out the said agreement; and the contractors will cause the said agreement to be duly executed by each of the said companies; the same being also executed by the town.

2. For the consideration of twenty-five thousand dollars ($25,000.00) to be paid to the contractors or their order without delay after the by-law authorizing this agreement comes into force, the contractors agree to convey or cause to be conveyed in fee simple to the iron company the site for its works referred to in said agreement and consisting of forty (40) acres of land, being part of the north east quarter of section fifty-two (52) lying to the east of the Canadian Pacific Railway and north of Main street in the Town of Port Arthur,

Arthur, provided that the metes and bounds of such 40 acres cover lands owned or controlled by the contractors; provided also that should a portion of such site consist of property not owned or controlled by the contractors, the contractors will convey to the iron company so much of such site as may be owned or controlled by them receiving therefor the balance of $25,000 after deducting therefrom the amount paid for the other part of such site, provided that the amount so paid has been agreed to by the contractors.

In witness whereof this agreement has been duly executed by the parties hereto.

In the presence of: (Seal)

(Sgd.) MACKENZIE, MANN & COMPANY, LIMTIED,
per D. D. MANN,
Vice-President.

" R. P. ORMSBY,
Secretary.

" THE CORPORATION OF THE TOWN OF PORT ARTHUR,
per RICHARD VIGARS

(Sgd.) Z. A. LASH.
" J. MCTEIGUE,
as to Richard Vigars.

Agreement made the day of A.D. 1905, between The Corporation of the Town of Port Arthur (hereinafter called the Town), of the first part, The Atikokan Iron Company, Limited, hereinafter called the iron company, of the second part, and The Canadian Northern Coal and Ore Dock Company, Limited, (hereinafter called the Dock Company), of the third part.

Whereas it would be greatly in the interests of the town that blast furnace works for iron ore, including coke ovens and roasting plant, should be established within the limits of the town; also that a coal and ore dock should be established at some convenient place on the water front of the town or having access thereto:

Therefore the parties hereto agree as follows:

1. Within three months after the town has subscribed for $200,000 of bonds of the iron company as hereinafter mentioned, and has also caused to be conveyed to the iron company the site for its works hereinafter referred to, the iron company will commence and will thereafter with all reasonable dispatch continue the construction upon such site of blast furnace works, including coke ovens and roasting plant, having a minimum capacity of producing 100 tons of pig iron per day of twenty-four hours, and will complete the same ready for operation within one year from the date of commencement and will thereafter reasonably and prudently operate the same, regard being had to the business situation and circumstances from time to time.

2. The Dock Company will within three months commence and will thereafter with all reasonable dispatch continue the construction of a coal and ore dock at some convenient place on the water front of the town or having access thereto having a minimum storage capacity of 200,000 tons of coal and 100,000 tons of ore, and will complete the same ready for handling coal and ore within the said period of one year. Such dock to be situated on the north side of the Neebing River, or north of a line produced easterly from the mouth of that river.

3. For purposes of this agreement the ton of ore shall be 2,240 pounds, and the ton of coal shall be 2,000 pounds.

4. The iron company shall authorize and make its bond issue to the extent of $2,000,000 secured by mortgage to National Trust Company, Limited, as trustee, covering its properties and undertakings present

present and future, including the said site of the works and the following mining properties in fee simple, viz: "Those certain parcels or tracts of land and premises situate lying and being mining locations numbered 10 E (containing seventy-nine acres); 11 E (containing eighty acres) and 12 E (containing fifty-one acres, and situated on the Atikokan River in the District of Rainy River as shown on plan of survey, dated July 3rd, 1886, by Provincial Land Surveyor H. De Q. Sewell, of record in the Department of Crown Lands." Such bonds to be payable in twenty years with interest thereon at the rate of 6 per cent. per annum, payable half yearly. Bonds to the extent of $300,000 and no more shall be used for the purchase of the said mining properties.

5. Without delay after such bond issue has been authorized and made, the town will subscribe for and agree to purchase from the company at par and accrued interest $200,000 of said bonds; the price therefor to be payable from time to time as called for by the Board of Directors of the iron company, but such calls shall not exceed ten per cent per month; this agreement to subscribe for bonds is conditional upon $400,000 of said bonds being subscribed for on similar terms by Mackenzie, Mann & Company, Limited, and $100,000 of said bonds being subscribed for on similar terms by J. C. Hunter, of Duluth, J. W. DeCourcy O'Grady, of Chicago, and A. Stamford White, of Chicago. As part of the said subscription agreements for said bonds by the town and the other parties mentioned it shall be provided that until the said blast furnace works, coke ovens and roasting plant have been completed and have been in operation for one year or such earlier date as may be determined by a committee consisting of said J. C. Hunter, the said O'Grady and Hugh Sutherland of Winnipeg, the bonds so subscribed for, namely, $700,000 also the said $300,000 of bond making $1,000,000 in all, shall be pooled by being deposited with said Trust Company and held under control of the said committee not to be sold except through the committee and at such price as the committee may from time to time unanimously authorize. All sales of said bonds so authorized shall be made for the equal and rateable benefit of the respective owners in the following proportions:—

The owners of the said $300,000	3/10ths
The owners of the $400,000 to be subscribed by Mackenzie, Mann & Co., Limited	4/10ths
The owners of the $100,000 to be subscribed by Hunter *et al*.....	1/10th
The Town of Port Arthur	2/10ths

Provided always that the price fixed by the committee from time to time shall be notified to the town and within ten days thereafter the town may notify the Trust Company that it elects to retain its said bonds in the pool unsold and after such notice the sales made out of the pool shall be made from the bonds of the other owners.

6. On the expiry of the time limited for the pool any bonds remaining therein shall be returned to the owners thereof. The owners of bonds in the pool may pledge the same to secure advances, but such pledge shall be subject to the above terms governing the pool.

7. The remaining $1,000,000 of bonds of the issue above referred to shall be used for the lawful purposes of the company only, and shall not be issued without the authority of the directors of the iron company approved by resolution of the shareholders at an annual meeting, or at a special meeting called for the purpose.

8. So long as the town continues to be the owner of said $200,000 of bonds or any part thereof, an auditor approved of by the town shall be appointed and paid by the iron company to audit its books and accounts; and from time to time as the office of such auditor becomes vacant a successor shall be similarly appointed and paid; and so long as

as the town remains owner of said bonds or any of them as aforesaid the auditor shall furnish to the town such accounts and statements of the company's receipts, expenditures and operations as the town may from time to time require. Provided always that the company may at any time, subject as hereinafter provided, require the town to sell and deliver to it or to whom it may appoint the said $200,000 of bonds or so many thereof as the town may be the owner of, the price therefor to be par and accrued interest payable in cash. The town shall have thirty days after being so required to complete the sale and delivery of such bonds, or it may within such thirty days notify the company that it elects to retain such bonds; and in either case this provision with respect to the appointment of said auditor and accounts and statements by him shall cease to have effect at the end of said thirty days.

9. The town agrees to raise the sum of twenty-five thousand dollars and therewith to acquire and to have conveyed to the iron company by way of bonus not less than forty acres of land being part of the north east quarter of Section 52 lying to the east of the Canadian Pacific Railway and north of Main street in the Town of Port Arthur, the metes and bounds of the said forty acres to be agreed on by the town and the iron company. The conveyance of said land is to be made direct to the iron company which is to satisfy itself as to the title thereto, the town assuming no responsibility with respect to such title. Said acquisition and conveyance of said land to be completed without delay after the by-law authorizing the raising of said money comes into force.

10. The said works of the iron company shall be and are hereby exempted from all municipal taxation, except school taxes, for the period of twenty years from the date when the by-law authorizing this agreement comes into force.

11. The town agrees to pass the necessary by-laws and take the necessary proceedings for the purpose of closing and to close such portions of the following streets or road allowances in said town as may run through or be adjoining to the said forty acres of land or part thereof, viz: Main street from the Canadian Pacific Railway to Thunder Bay; the street between lots eight (8) and nine (9) in the Lyon addition of said town; also the street or road allowance along Section 52 on Thunder Bay. The portions of such streets so closed to be conveyed to the iron company.

12. The town agrees to apply to the Legislature of Ontario at its session of 1905, for an Act authorizing the exemption from all municipal taxation (except school taxes) for the period of twenty years from the day on which the by-law authorizing this agreement takes effect of all properties real and personal now or hereafter acquired of the iron company and of the dock company and of all additions and improvements to any of such properties, and limiting during the same period the assessment of said properties additions and improvements for school taxes to a sum not exceeding $200,000 in all, the said companies respectively to be assessed from time to time for such portion of said $200,000 as they may from time to time agree on and in default of agreement as the council of the town may from time to time determine—and confirming this agreement.

13. The iron company and the dock company agree to open and maintain general offices within the limits of the town.

CHAPTER 70.

An Act respecting the Town of Prescott and The Palmer Piano Company, Limited.

Assented to 25th May, 1905.

Preamble

WHEREAS the municipal council of the Town of Prescott has petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the said corporation intituled "A by-law to authorize the council of the corporation of the Town of Prescott to guarantee the bonds of The Palmer Piano Company, Limited, to the extent of $40,000; and whereas the said council has represented that the establishment of the said industry in the Municipality will greatly benefit the citizens of said Town and give employment to many young men who otherwise will be obliged to leave home to seek employment elsewhere; and whereas a poll was held for the taking of the votes of the ratepayers entitled to vote on said by-law, and a poll-book prepared containing the names of all persons so entitled, amounting to 419 names of persons so entitled, and at said election or poll 307 persons so entitled to vote polled their votes in favour of the said by-law and only 20 persons recorded their votes against the by-law, shewing as a result that more than two-thirds of all the ratepayers entitled to vote were in favour of the said by-law; and whereas the said Palmer Piano Company which has never been bonused or assisted by the City of Toronto has been seriously damaged by fire and it becomes necessary to obtain premises elsewhere; and whereas no opposition has been offered to the confirmation of the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 65 of Town of Prescott confirmed.

1. By-law No. 564 of the Municipal Corporation of the Town of Prescott, set forth in the Schedule to this Act, is hereby confirmed and declared legal and binding upon the said

said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same and the agreement referred to and made a part of said by-law is ratified and confirmed and the said Corporation of the Town of Prescott is hereby authorized and empowered to guarantee the bonds of the Palmer Piano Company, Limited, as provided in said by-law and agreement, and to do all necessary acts for the full and proper carrying out of the said by-law.

SCHEDULE "A."

BY-LAW NUMBER 564

A by-law to authorize the Council of the Corporation of the Town of Prescott to guarantee the bonds of The Palmer Piano Company, Limited to the extent of $40,000.

Whereas The Palmer Piano Company, Limited, of the one part and the Corporation of the Town of Prescott of the other part have entered into an agreement set forth in Schedule A hereto which agreement shall be taken to form a part of this by-law.

And whereas it is expedient to pass this by-law and to submit the same to the electors of the said municipality to authorize the council to guarantee the bonds of the said The Palmer Piano Company, Limited, to the extent of $40,000 for the purpose of aiding the said company to erect and equip a piano factory in said town as set forth in said agreement.

And whereas the total amount of the debt or engagement which this by-law is intended to create or authorize is the amount of the guarantee by this municipality of the payment by the said company of the said bonds to the amount of $40,000 and the interest thereon at the rate of four per cent per annum payable half yearly in twenty years from the issue thereof such bonds to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal or as nearly as may be to what is payable for principal and interest during each of the other years of such period.

And whereas the annual sum of $2,943.27 will will be required to pay off the said bonds and interest in every year for twenty years.

And whereas the whole of the rateable property of the municipality according to the last revised assessment roll being for the year 1904 amounts to nine hundred and ninety-four thousand three hundred and ten dollars.

And whereas the existing debenture debt of this municipality amounts to the sum of one hundred and fifty-nine thousand two hundred and eighty-eight dollars and nine cents and no principal or interest is in arrear.

And whereas it is desirable to ratify the said agreement and to guarantee the said bonds.

Therefore the Municipal Council of the Corporation of the Town of Prescott enacts as follows:—

That the bonds of The Palmer Piano Company, Limited, to be issued to enable the said company to raise money for the purpose of constructing and equipping a piano factory in the Town of Prescott to the amount of $40,000 payable in annual instalments in twenty years from the date of the issue thereof and the interest thereon at the rate of four per cent per annum payable half

Yearly

yearly during said term of twenty years be and the same are hereby guaranteed by the Town of Prescott.

That the said bonds shall bear date on the day on which this by-law takes effect and shall be in sums of not less than one hundred dollars each and shall have coupons attached thereto for the payment of interest at the rate of four per cent per annum half yearly payable in the manner and for the yearly amounts following, that is to say,

Year.	Principal.	Interest.	Total.
1906	$1,343 27	$1,600 00	$2,943 27
1907	1,397 00	1,546 27	2,943 27
1908	1,452 88	1,490 39	2,943 27
1909	1,511 00	1,432 27	2,943 27
1910	1,571 44	1,371 83	2,943 27
1911	1,634 29	1,308 97	2,943 27
1912	1,699 67	1,243 60	2,943 27
1913	1,767 65	1,175 62	2,943 27
1914	1,838 36	1,104 91	2,943 27
1915	1,911 89	1,031 38	2,943 27
1916	1,988 37	954 90	2,943 27
1917	2,067 90	875 37	2,943 27
1918	2,150 62	792 65	2,943 27
1919	2,236 64	706 63	2,943 27
1920	2,326 11	617 16	2,943 27
1921	2,419 15	524 12	2,943 27
1922	2,515 92	427 34	2,943 27
1923	2,616 55	326 72	2,943 27
1924	2,721 22	222 05	2,943 27
1925	2,829 07	113 20	2,943 27

That the guarantee aforesaid to be given and hereby authorized to be given by the said municipality shall be endorsed upon each of the said bonds the aggregate amount of which shall not exceed $40,000, and such guarantee shall be in the words and figures following or to the like effect:—

The Corporation of the Town of Prescott in the Province of Ontario do hereby guarantee the payment of the within bond at maturity and do further guarantee the interest coupons thereto attached as the same become respectively due and payable. This guarantee is given to and for the benefit of the purchasers of this bond and of every person or persons, company or companies, body or bodies corporate, who may at any time hereafter be the holder of this bond. This guarantee is given pursuant to by-law No..... of the Town of Prescott.

(Seal)

.....

Mayor of the Town of Prescott.

The Mayor of the said Town of Prescott is hereby authorized and empowered to sign the said guarantee so endorsed upon the said bonds on behalf of the said municipal corporation and the clerk of the said town is hereby authorized and instructed to attach the seal of the said corporation thereto. But such guarantee shall not be executed till security has been given by the company to the corporation satisfactory to the Council of the Town of Prescott, that the company will erect and equip said factory, nor until the said company shall make, execute and deliver to the corporation a first mortgage upon the plant, machinery, equipment, assets and all property real and personal of the said company as security for and indemnity to the corporation against the payment of the said bonds and interest therein and for the carrying out of the terms of the said agreement.

That the treasurer of the municipality shall receive in trust the moneys arising from the sale of the said bonds of the said company and shall pay the same out as the work progresses on the certificate of the architect endorsed with the approval of the mayor of the corporation.

In

In case of the failure of the said company to pay the said bonds or the interest thereon as they respectively become due and payable and in case the Corporation of the Town of Prescott is called upon to pay the same, then and in such case there shall be raised and levied in each year by a special rate sufficient therefor on all the rateable property in the said municipality the sum of two thousand nine hundred and forty-three dollars and twenty-seven cents, being a sum sufficient to discharge the several instalments of principal and interest accruing due on said bonds as the same respectively become payable as hereinbefore set forth.

The agreement hereto annexed and forming Schedule A hereto shall be read as incorporated with and form part of this by-law.

This by-law shall take effect on the first day of June, A. D. 1905, if it shall then have been confirmed by an Act of the Legislature of the Province of Ontario, but if not then confirmed it shall come into force on the date when such act shall be passed.

The votes of the electors of this municipality shall be taken on this by-law at the following times and places, that is to say, on Tuesday the second day of May next, 1905, at and from the hour of nine o'clock in the morning until the hour of five o'clock in the afternoon of the same day. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows:—

Polling Sub-division Number One (East Ward) at Samuel Countrymans' on the south side of King Street at which Mr. T. H. Fraser shall be the deputy returning officer.

Polling Sub-division Number Two (Centre Ward) at Wm. Services' shop on the west side of Centre Street at which Mr. W. G. Scott shall be the deputy returning officer.

Polling Sub-division Number Three (West Ward) at the Council Chamber in the Town Hall at which Mr. Geo. McCrea shall be the deputy returning officer.

On Friday the twenty-eighth day of April next the mayor shall attend at the council chamber at the hour of ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

That the clerk of the municipality shall attend at the said council chamber at ten o'clock in the forenoon on Wednesday the third day of May, A.D. 1905, and sum up the number of votes given for and against the said by-law and if the said by-law is carried by the requisite number of votes of the said electors the same shall be finally considered and passed on the eighth day of May, A.D. 1905 at the hour of ten o'clock in the forenoon at the council chamber in the said Town of Prescott.

Enacted and passed on this eighth day of May, A.D. 1905.

GEO. ROOK, (Clerk.) W. H. STEPHENSON, (Mayor.)

(Seal.)

SCHEDULE "A."

This Indenture, made in duplicate the fifth day of April A.D. one thousand nine hundred and five, between The Palmer Piano Co., Limited-a corporation incorporated under the laws of the Province of Ontario (hereinafter called the Company), of the first part, and The Municipal Corporation of the Town of Prescott (hereinafter called the Corporation), of the second part.

Whereas the company is at the present time carrying on its business at the City of Toronto, in the County of York, and is desirous of removing said business to the Town of Prescott, in the County of Grenville, and with a view to extending the said business

ness, has applied to the corporation for the aid hereinafter mentioned.

And whereas the corporation has agreed in the manner hereinafter provided, but subject to the terms of the last paragraph hereof.

Now this indenture witnesseth:—

1. Wherever used throughout this indenture the words "Company" and "Corporation" shall extend to and be binding upon the successors and assigns of the said company and corporation respectively.

2. The company agrees that after this agreement and a by-law relating thereto to be passed by the corporation are confirmed by the Legislature of the Province of Ontario, it will acquire land within the Town of Prescott and unless prevented by strikes or some other cause wholly beyond the control of the company, within eight months of the passing of said Act, erect good substantial brick, stone or cement buildings necessary and suitable for the carrying on of the business of the company upon said property or lands so to be acquired in said town and properly equip the same with line shafting, boilers and engines and all other necessary machinery and equipment for the manufacture of pianos, such land, buildings and equipment to cost not less than the sum of forty thousand dollars.

3 The company also agrees with the corporation that it will during the term of twenty years from the completion and equipment of said buildings carry on the said business of the manufacture of pianos at the Town of Prescott and will not be engaged in or interested in the manufacture of pianos in any other place or factory and during such term will employ therein during each year an average of not less than seventy-five employees other than the officers of the company unless prevented by fire, accident, strikes, or other unavoidable cause, and in the event of the premises being destroyed by fire the same shall be rebuilt and operations therein resumed within twelve months thereafter. The carrying on of the said business for eleven months in any one year during the time this covenant remains binding with the said force of employees shall constitute a fulfilment of the obligations of the company for such employment for that year.

4. The corporation on its part agrees with the company to guarantee the bonds of the company for the sum of forty thousand dollars payable in twenty annual payments with interest also guaranteed at the rate of four per cent. per annum, payable half yearly in such sums so that the principal and interest payable in any one year shall be equal as nearly as may be to the principal and interest payable in any other year of said term. The said bonds when issued and endorsed by the corporation to be deposited with the treasurer of said corporation and when sold the proceeds thereof to be deposited with said treasurer and paid out by him from time to time on the certificate of the architect, endorsed with the approval of the mayor of said corporation as the work on the said building and equipment progresses.

5. Concurrently with the endorsement of the guarantee of the bonds as aforesaid the company shall deliver to the corporation a mortgage in the usual form with such statutory covenants, provisos and agreements as are applicable thereto on all the plant, machinery, equipment, assets, and all property real and personal of the company securing the corporation against the payment of the said bonds and interest, which mortgage shall contain the ordinary statutory covenants, provisos and agreements applicable thereto (the power of sale to be upon three months default and three months notice) and such others as the corporation may deem advisable for the security thereby intended, and the employment of the hands as aforesaid and the said mortgage shall provide for the insurance of the buildings, plant and machinery as hereinafter mentioned to the extent of said bonds from time to time unpaid.

6. The company shall insure the said buildings, plant and machinery and keep the same insured to the extent of the bonds from time to time unpaid until the said bonds are fully paid and satisfied in a company or companies to be approved of in writing by the mayor and clerk of the said municipal council and such policy or policies shall be assigned to the said municipality and in the event of damage by fire the moneys payable under said policy or policies shall be payable to the said municipality and may by the said municipality be applied in restoring the building or buildings, plant or machinery so damaged, or held by the said municipality to pay the unpaid or unmatured bonds guaranteed by the said municipality as aforesaid; provided that in default of said company effecting such insurance the corporation may effect such insurance and pay the premium or premiums therefor and any such payments of premium or premiums shall be charged by said corporation against the said company and shall bear interest at the rate of six per cent. per annum, and shall be together with said interest collected from said company as and for liquidated damages. And the said company covenants to repay the same.

7. The company shall if demanded furnish to the corporation at the end of each year during which the covenant to employ remains binding a statement verified by statutory declaration of the number of persons employed by it and the time employed during the preceding twelve months and shall if required further verify the same by production of its books to the corporation auditors.

8. And it is agreed that the corporation will introduce a by-law confirming this agreement which after receiving its second reading shall as speedily as can be done be submitted to the qualified ratepayers of the Town of Prescott for approval and in the event of such approval being given application will be made to the Legislature of the Province of Ontario forthwith at the present session for a special Act confirming and validating the said by-law and this agreement, and declaring the same to be binding upon the corporation.

9. The company further covenants with the corporation that it will remove its head office from the City of Toronto to the Town of Prescott upon the completion of the said buildings.

10. And it is further agreed that this agreement is subject to and dependent upon the approval of the ratepayers of the Town of Prescott being obtained as aforesaid, and subject to and dependent upon the obtaining of the legislation as above provided at the present session of the legislature and that failing the same it shall be void and of no effect and neither the company nor the corporation shall have any right to compensation by reason thereof.

As witness the corporate seals of the parties hereto and the hands of their respective executing officials.

THE PALMER PIANO CO., LIMITED.
W. T. GILES, General Manager. (Seal.)
W. H. STEPHENSON, Mayor.
GEO. ROOK, Clerk. (Seal.)

CHAPTER

CHAPTER 71.

An Act to confirm By-law No. 1,664 of the City of St. Catharines.

Assented to 25th May, 1905.

Preamble

WHEREAS Ridley College and the Municipal Corporation of the City of St. Catharines have by their joint petition represented that by the terms of a certain by-law passed by the said Corporation of the City of St. Catharines, on the twenty-ninth day of November, A. D. 1904, the said municipal corporation granted under the provisions of sub-section 5 of section 587 of *The Consolidated Municipal Act, 1903*, the sum of Two Hundred and Fifty Dollars annually for a period of fifteen years to the said College, for the purpose of enabling the said College to pay the annual charges or rent for the use of city water, a copy of the said by-law being set forth in Schedule "A" to this Act; and whereas it is in the interests of the Corporation of the City of St. Catharines as well as of Ridley College that the said by-law should be confirmed; and whereas it is expedient to grant the prayer of the said petition,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law 1,664, in aid of Ridley College, confirmed.

1. By-law 1,664 of the Municipal Corporation of the City of St. Catharines, set forth as Schedule "A" to this Act is legalized and confirmed and declared to be legal, valid and binding, notwithstanding anything in any Act contained to the contrary; and the said municipal corporation is declared to have had power to pass the said by-law, and to enter into the agreement therein set out.

SCHEDULE

SCHEDULE A.

By-law No. 1664.

A by-law to grant the sum of two hundred and fifty dollars annually for a period of fifteen years in aid of Ridley College.

Whereas by sub-section five of Section 587 of the Consolidated Municipal Act, 1903, it is enacted that by-laws may be passed by the councils of cities for making grants in aid of any College within Ontario, and that such grants may be made from time to time, and may be either by one payment or by an annual payment for a limited number of years, and upon such terms and considerations as may be agreed upon.

And whereas the Trustees or Directors of Ridley College an incorporated college for the education of boys situate in the City of St. Catharines, has represented to this Council that by reason of the recent destruction by fire of the college buildings, it has become necessary to erect new buildings for the purposes of said college, and that the erection of said new buildings has entailed upon such college the expenditure of a large sum of money, and the revenue of the college is not, at the present time sufficient for its proper maintenance and support;

And whereas the said Trustees or Directors recently applied to the Water Works Commission of the City of St. Catharines to grant the said college water for the uses and purposes of said college from the water works of the City of St. Catharines for a period of fifteen years, free of charge, or at a merely nominal charge therefor, and this council, by resolution requested the Water Works Commission to grant said application, but the said Commission had been advised that it has not legally the power so to do;

And whereas the said Trustees or Directors have applied to this council for a grant by way of aid to the said college of the sum of two hundred and fifty dollars annually for a period of fifteen years for the purpose of enabling the said college to pay the annual charges of rent for the use of said water;

And whereas as a part consideration for the grant by way of aid given by this by-law to the said college, the said City Corporation has requested the said Ridley College that in the event of any high level bridge over the old Welland Canal being constructed by the said City Corporation under the authority given to the said Corporation by the Statute of Ontario, 4 Edward VII., chapter 66, the said Ridley College shall grant to the said City Corporation for the purposes of the said bridge and the approaches thereto on the westerly side of the old Welland Canal that portion of the lands owned by the said college, described as follows, that is to say:

A parcel of land seventy-five feet in width extending from the east boundary of the college property to a point not more than seventy-five feet north of the present main entrance gate, where Henrietta Street meets Weschester Avenue, and the said Ridley College has agreed with the said City Corporation to grant the use of the said land for the purpose aforesaid.

Therefore the Council of the Corporation of the City of St. Catharines enacts as follows:

1. That it shall and may be lawful for the Corporation of the City of St. Catharines to grant to Ridley College the sum of two hundred and fifty dollars annually for the period of fifteen years, for the purpose of enabling said college to pay to the Water Works Commission of the City of St. Catharines the amount of the annual charges or rent for the use by the college of water from the works of the said Water Works Commission.

2. That the said annual payment of two hundred and fifty dollars shall be made to the said college on the first day of January in each and

and every year during the said period, commencing on the first day of January, 1905.

3. This by-law shall not have any force or effect unless and until it is validated and confirmed by act of the Legislative Assembly of the Province of Ontario and an agreement shall have been executed by the said Ridley College with the said City Corporation agreeing to grant to the said City Corporation the use of the land hereinbefore described for the purpose aforesaid.

Passed this 29th day of November, 1904.

Sgd. JNO. S. MCCLELLAND, City Clerk.

Sgd. W. A. MARQUIS, Mayor.

CHAPTER 72.

An Act to confirm By-law Number 1655 of the City of St. Catharines.

Assented to 25th May, 1905.

Preamble. WHEREAS the Packard Electric Company, Limited, a manufacturing company carrying on business in the City of St. Catharines, being desirous of making certain improvements and extending its works and manufacturing plant and erecting new buildings on its real property in the City of St. Catharines for the purpose of manufacturing automobiles in addition to other goods heretofore manufactured by the said company, have applied to the municipal corporation of the said city for a partial exemption of the property, real and personal, of the said company from municipal taxation for a period of ten years, from and including the 1st day of January, 1905, that is to say, exemption of all the assessed value thereof, over and above the sum of $12,000; and whereas the municipal corporation of the said city did, on the 19th day of September, A.D. 1904, enact by by-law Number 1,655 of the said corporation, that the property, real and personal, of the Packard Electric Company, Limited, in the City of St. Catharines, shall be partially exempt from municipal taxation (save and except taxation for school rates, local improvements, water rates, and street watering) for a period of ten years from and including the 1st day of January, 1905, to the following extent and amount, that is to say: Exemption of all the assessed value thereof, over and above the sum of $12,000;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 1655 of the City of St. Catharines confirmed. 1. By-law Number 1,655 of the Municipal Corporation of the City of St. Catharines, set forth in Schedule "A" to this Act intituled "A by-law to grant to the Packard Electric

Electric Company, Limited, partial exemption from municipal taxation for a period of ten years," passed by the said council on the 19th day of September, 1904, is confirmed and declared to be legal, valid and binding upon the said corporation, and the said company; provided, however, that nothing in the said by-law contained shall affect the assessment of the said lands, buildings and premises above mentioned for school purposes, local improvements, water rates and street watering, and the said lands, buildings and premises shall in all respects be assessed for and be liable to taxes for school purposes, local improvements, water rates, and street watering in the same manner and to the same extent as if the said by-law had not been passed; provided, also, that the said partial exemption from municipal taxation is so granted subject to the performance and observance by the said company of the terms, conditions and stipulations made and contained in a certain agreement by and between the company and the corporation, annexed to and forming part of said by-law.

Proviso.

SCHEDULE ".A".

BY-LAW No. 1655.

A By-law to grant to the Packard Electric Company, Limited, partial exemption from municipal taxation for a period of ten years.

Whereas the Packard Electric Company, Limited, (hereinafter called the Company) a manufacturing company carrying on business in the City of St. Catharines, have represented to this council that the Company is about to extend its works and manufacturing plant and to erect new buildings on its real property, in the City of St. Catharines, for the purpose of manufacturing automobiles in addition to the other goods heretofore manufactured by the company.

And whereas the company has agreed with the corporation to forthwith begin the erection of buildings and shops separate and distinct from its present buildings and to instal the necessary plant and machinery therein for the purposes of the said automobile manufacturing business and that the said buildings shall be completed and the plant and machinery necessary and required in said business installed and in active operation on or before the 1st day of January, 1905, and that the buildings so to be erected by the company and the plant and machinery to be installed and used in connection therewith or for the purposes thereof when complete and ready for operation shall be worth, in the opinion of the council and shall have cost a sum not less than $30,000.00.

And whereas the company has also agreed with the corporation that from and after the completion of the said new or additional buildings, and the installation of the said plant and machinery as aforesaid, the company will continuously carry on in the said factory so to be erected as aforesaid, the business of manufacturing automobiles for and during a period of twenty years (save and except as in the agreement between the company and the corporation hereinafter referred to is provided) and will continuously employ in the said automobile department of its business not less than fifty workmen or operatives, exclusive of office help and officers or superintendents

intendents of the company, and will in each year of said period beginning on the 1st day of January, 1905, pay in wages to its workmen and operatives not including office help or officers or superintendents of the company not less than $25,000.00.

And whereas the company has also agreed with the corporation to continue and carry on for the said period of twenty years, from and after the said 1st day of January, 1905, the manufacturing business heretofore and now conducted by the company in this city in the same branches and departments and to as large an extent and volume as the same is now being carried on by the company and to continuously employ in the branches or departments of its said manufacturing business now being carried on in said city during the said period of twenty years save and except as in the Agreement between the company and the corporation hereinafter referred to is provided) not less than one hundred operatives or workmen, exclusive of office staff and officers or superintendents of the company, and to pay in wages during each year of said period beginning on the 1st day of January, 1905, to its operatives and workmen not including office staff or superintendents or officers of the company, a sum not less than $25,000.00.

And whereas the company has applied to the council of the corporation for the partial exemption of the property real and personal of the company, from municipal taxation for a period of ten years from and including the 1st day of January, 1905, to the following extent or amount, that is to say, exemption of all the assessed value thereof over and above the sum of $12,000.00 and this Council deems it expedient to grant the said partial exemption from taxation subject to the terms and provisions hereinafter mentioned and set out.

Therefore the council of the Corporation of the City of St. Catharines, enacts as follows:—

1. That the property, real and personal, of the Packard Electric Company, Limited, in the City of St. Catharines, shall be partially exempt from municipal taxation (save and except taxation for school rates, local improvements, water rates, and street watering) for a period of ten years from and including the 1st day of January, 1905, to the following extent and amount, that is to say:—

Exemption of all the assessed value thereof, over and above, the sum of $12,000.00; provided that the said partial exemption from municipal taxation is so granted subject to the performance and observance by the company of the terms, conditions and stipulations, made and contained in a certain agreement by and between the company and the corporation hereto annexed and forming part of this By-law. The Mayor is hereby authorized to execute and deliver the said agreement on behalf of this corporation.

2. This By-law shall not come into force unless and until it is confirmed and validated by Act of the Legislative Assembly of the Province of Ontario.

Passed this 19th day of September, 1904.

(Sgd.) JNO. S. MCCLELLAND, City Clerk. (Sgd.) A. W. MARQUIS, Mayor.

SCHEDULE "B."

This Agreement made in triplicate this twelfth day of September, in the year of our Lord, 1904. Between The Packard Electric Company, Limited, of the City of St. Catharines, in the County of Lincoln, (hereinafter called "the Company") of the First Part. And the Corporation of the City of St. Catharines, (hereinafter called "the Corporation") of the Second Part.

Whereas the company has represented to the council of the corporation, that the company is about to extend its works and manufacturing plant in the said city and to erect new buildings on its

real

real property, for the purpose of manufacturing automobiles in addition to the other goods now being manufactured by the company.

And whereas the company has applied to the council of the corporation for partial exemption of the property, real and personal of the company, from municipal taxation (save and except taxation for school rates, local improvements, water rates and street watering) for a period of ten years from and including the 1st day of January, 1905, to the following extent and amount, that is to say: Exemption of all the assessed value of such real and personal property (save and except taxation for school rates, local improvements, water rates and street watering) over and above the sum of $12,000.00 and a by-law for the said purpose has this day been introduced in said council, and passed the first reading thereof.

And whereas the company has agreed with the corporation, that if the said by-law shall be finally passed by the said council, the Company will do and perform the several acts, matters and things, and observe the several covenants, provisoes, and stipulations hereinafter in this Agreement more fully set forth.

Now this agreement, being the agreement referred to in the said by-law, witnesseth, that the company and the corporation mutually covenant and agree to and with each other in manner following:—

1. That the company agrees with the corporation that if the said by-law shall be finally passed by the council of the corporation, the company will forthwith begin the erection of suitable buildings and shops, separate and distinct from its present buildings and install the necessary plant and machinery therein for the purpose of said business of manufacturing automobiles, and that the said buildings shall be completed and all the plant and machinery necessary and required in said manufacturing business installed and in active operation on or before the 1st day of January, 1905.

2. And that the buildings so to be erected by the company and the plant and machinery to be installed and used in connection therewith for the purposes thereof when completed and ready for operation shall be worth in the opinion of the council, and shall have cost a sum, not less than $30.000.

3. And that from and after the completion of the said buildings and the installation of the said plant and machinery as aforesaid, the company will continuously carry on in the said factory so to be erected as aforesaid, the business of manufacturing automobiles, for and during a period of twenty years and will continuously employ in the automobile department of its business, not less than fifty workmen or operatives exclusive of office help and officers or superintendents of the Company, save and except for such periods of cessation or shutting down (not however to exceed one month in any calendar year) as are ordinarily incident to the nature of said business, and also save and except for such periods as the water shall for any reason be let out of the old Welland Canal to such an extent as to interfere with the water power of the company, and also save and except for such periods of shutting down as shall be caused by strikes of the company's workmen in said automobile department of its business (said strikes not being caused by the unreasonable acts of the Company, its officers, or servants) and will in each year of said period, beginning on the 1st day of January, 1905, pay in wages to its workmen and operatives, exclusive of office help and officers or superintendent of the company, not less than $25,000.00.

4. And that the company will continue and carry on for the said period of twenty years, from and after the said 1st day of January, 1905, the manufacturing business heretofore and now conducted and carried on by the company in said city, in the same branches and departments and to as large an extent or volume as the same now exists and is being carried on by the company, and will continuously employ in the branches or departments of its said business now being carried on in the said city as aforesaid during the said period not less than one hundred workmen or operatives, exclusive of office help

help and officers or superintendents of the company, save and except for such periods of cessation or shutting down (not however to exceed one month in any calendar year) as are ordinarily incident to the nature of said business and also save and except for such periods as the water shall for any reason be let out of the old Welland Canal to such an extent as to interfere with the water power of the company and also save and except for such periods of shutting down as shall be caused by strikes of the company's workmen in the departments or branches of its said present manufacturing business, (said strikes not being caused by the unreasonable acts of the Company, its officers, or servants) and will in each year of said period beginning on the 1st day of January, 1905, pay in wages to its operatives and workmen exclusive of office help and officers or superintendents of the company in the departments or branches of its said present manufacturing business not less than $25,000.00.

5. And that the company will at all times during the said period of twenty years, insure and keep insured its said factory and buildings now erected and to be erected as aforesaid, and the plant, machinery and fixtures, situate and being thereon to their full insurable value and if at any time during the said period of twenty years, the said buildings, plant, machinery or fixtures, shall be wholly or partially destroyed by fire then, and in any such event and when and so often as the said event shall happen, the company will at once proceed to rebuild and restore, or repair said buildings plant machinery and fixtures so as to make the same suitable and available at the earliest reasonable time for the purposes of its said manufacturing business, and will at the earliest reasonable time resume its said manufacturing business on said site.

6. It is agreed that in case of a fire, which shall render it impossible for the time being for the company to continue its said manufacturing business in any or all of the departments thereof, then, and in such case if the company shall forthwith proceed to rebuild and restore the said buildings, plant, and machinery to their former condition of efficiency for the purpose of resuming and carrying on its said manufacturing business at the earliest practicable time the company shall be relieved pro tanto of its covenant as to payment of wages for the year of said period in which said fire may occur and the amount of wages for said year shall be estimated proportionately for the portion of such year during which the company's factory could have been operated.

7. It is agreed that notwithstanding the partial exemption from taxation granted by the said by-law the real and personal property of the company shall during the said period of ten years, be annually assessed in the same manner as if the said by-law had not been passed, and the taxes rated thereon shall be duly entered in the collector's roll of the said city but said taxes, (save and except taxation for school rates, local improvements, water rates, and street watering) shall not be collected on any greater part of the said assessment than $12,000.00 unless the company shall have made default in the terms, provisions and stipulations of this agreement, in which case the whole of said taxes shall become due and payable and may be collected by the corporation as if the said by-law had not been passed.

8. It is agreed that the auditors of the corporation or any person or persons appointed by resolution of the council for that purpose, shall at any time during the months of January and February in each year have free access to the books of account, statements, and pay rolls of the company for the purpose of ascertaining the amount paid in wages by the company in all departments and branches of its manufacturing business during the year ending on the then preceeding 31st day of December and the period of operation in all departments and branches of the company's business during said preceding year.

9. It is agreed that if at any time during the said period of ten years, the number of workmen and operatives employed by the company in the departments or branches of its business now or hereafter carried on in its present buildings shall fall below one hundred in number (such reduction however not being at any one time more than ten) such reduction shall not be considered a violation of this agreement, provided that the number of workmen or operatives employed in the automobile department of the company's business shall be increased by a number sufficient to make the total number of workmen or operatives in the company's employment not less than one hundred and fifty, and its total wage roll not less than $50,000.00. It is agreed that the company shall in the employment of labor so far as practicable and so far as consistent with the needs and requirements of the company's manufacturing business, give a preference to local mechanics and workmen.

10. It is agreed that the corporation will support and approve of an application by the company to the Legislative Assembly of the Province of Ontario at the next session thereof for an Act to confirm and validate said by-law and this agreement and that all fees and disbursements incident to the said application and all fees and disbursements and expenses incurred by the corporation in supporting the same shall be paid by the company.

In witness whereof the proper officer of the Company has set his hand and fixed the corporate seal and the Mayor of the corporation has set his hand and caused to be affixed the seal of the corporation.

(Sgd.) A. W. MARQUIS,
Mayor.

Signed, Sealed and Delivered,
in presence of,
As to the Mayor,
(Sgd.) JNO. S. MCCLELLAND,
City Clerk.

THE PACKARD ELECTRIC CO., LTD.,
(Sgd.) R. B. HAMILTON,
Secy. & Manager.

As to the signature of
R. B. Hamilton,
(Sgd.) M. J. MCCARRON.

CHAPTER

CHAPTER 73.

An Act to confirm By-law No. 1685 of the City of St. Catharines.

Assented to 25th May, 1905.

Preamble

WHEREAS John T. Thompson, of the City of Hamilton, in the County of Wentworth, Manufacturer; William B. Smith, of Port Rowan, in the County of Norfolk, Manufacturer, and Howard W. Fairlie, of the Township of Niagara, in the County of Lincoln, Yeoman, as Trustees for and representing a company to be formed under *The Ontario Companies Act* have by petition prayed that an Act may be passed confirming by-law No. 1,685 of the Corporation of the City of St. Catharines passed on the twentieth day of February, 1905, intituled "A by-law to authorize the conveyance of certain property to John T. Thompson, William B. Smith and Howard W. Fairlie, and to grant to the said John T. Thompson, William B. Smith and Howard W. Fairlie partial exemption from municipal taxation for a period of ten years," and an agreement bearing even date therewith between the said municipal corporation and the said John T. Thompson, William B. Smith and Howard W. Fairlie, which by-law and agreement are respectively set out in Schedules "A" and "B" to this Act; and whereas the said Corporation of the City of St. Catharines is an assenting party hereto; and whereas it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.—

By-law No. 1685 of City of St. Catharines confirmed.

1. By-law No. 1,685 of the Municipal Corporation of the City of St. Catharines set out as Schedule "A" to this Act is legalized and confirmed and declared to be legal, valid and binding nothwithstanding anything in any Act to the contrary, and the said Municipal Corporation is declared to have had power to pass the said by-law and to enter into the agreement therein set out, and which said agreement is set forth as Schedule "B" to this Act.

SCHEDULE

SCHEDULE A.

BY-LAW No. 1635.

A by-law to authorize the conveyance of certain property to John T. Thompson, William B. Smith and Howard W. Fairlie, and to grant to the said John T. Thompson, William B. Smith and Howard W. Fairlie partial exemption from municipal taxation for a period of ten years.

Whereas the said John T. Thompson, William B. Smith and Howard W. Fairlie (hereinafter by this by-law called the applicants) have represented to the council of the corporation that they are about to commence an industry in the City of St. Catharines for the purpose of manufacturing tin cans and other goods manufactured from tin and other metals:

And whereas the said applicants have requested this council to convey to them certain land situate on Catharine Street in the City of St. Catharines, and being a portion of the property known as the Fair Grounds property, and the large frame building now situate thereon, and owned by the said corporation, and have also requested this council to grant to the applicant partial exemption from municipal taxation for a period of ten years, to the following extent, that is to say: exemption of all the assessed value of the property of the applicants used in the said proposed manufacturing business over and beyond the sum of $5,000.00.

And whereas by by-law of this corporation number 1676 authority was given for, the conveyance of certain land as therein more particularly described, but no actual conveyance thereof has as yet been made.

And whereas it now appears that the said land so intended to be conveyed is not sufficient for the requirements of the applicants and they have requested the council to convey to them .291 acres of land situate on Catharine Street aforesaid, and hereinafter in this by-law more particularly described, for the price or sum of $647.00.

And whereas the applicants have also represented to this council that the applicants and others are now applying for letters patent of incorporation under the provisions of the Ontario Companies' Act under the name and style of "The J. T. Thompson Manufacturing Company, Limited," and that the said manufacturing business shall be conducted by the said company from and after incorporation as such.

And whereas the applicants have agreed with this corporation that they or the company to be formed as aforesaid, will forthwith cause the said large frame building to be put into proper repair and condition for the purposes of the said manufacturing business, and will add thereto such other buildings or additions as shall be necessary for the purposes of the said manufacturing business, and will install all the necessary plant, machinery and appliances required in the said manufacturing business, so that the same shall be complete and ready for operation, and the said manufacturing business shall be in active operation on or before the fifteen day of April, 1905, and that the said building, and the plant and machinery used in connection therewith (irrespective of the land) shall be worth, in the opinion of this council, and shall have actually cost the applicants, or the company to be formed as aforesaid, the sum of $25,000.00.

And whereas the applicants have also agreed with the corporation that the applicants or the company to be formed as aforesaid, will from and after the completion of the said factory and beginning to operate as aforesaid, continuously employ in the said manufacturing business not less than twenty-five operatives and workmen and will pay in wages to its operatives and workmen (not including salaried officers or persons who may be shareholders in the

the company to be formed as aforesaid) during each year of the said period of ten years, a sum not less than $9,000.00.

And whereas it is deemed expedient by this council to convey to the applicants the property hereinbefore referred to and to grant the said partial exemption from municipal taxation for a period of ten years;

Therefore the Council of the Corporation of the City of St. Catharines enact as follows:—

1. That By-law No. 1,676 of this corporation, passed and adopted on the twenty-seventh day of January, A.D. 1905, in so far as the same conflicts with the terms of this by-law, is hereby repealed.

2. That authority is hereby given for the conveyance in fee simple by this corporation to the said John T. Thompson, William B. Smith, and Howard W. Fairlie as trustees for and on behalf of the company to be formed as aforesaid, of that certain portion of land situate in the City of St. Catharines and now owned by this corporation, being a portion of the property known as the Fair Grounds property, and described as follows, that is to say:—

Commencing on George street at the southwesterly angle of the Fair Ground property, thence north three degrees and fifty-three minutes east one hundred and thirty-three feet; thence east three degrees and fifty-three minutes south four hundred and twenty-four feet to Catharine street; thence along Catharine street south three degrees and fifty-three minutes west one hundred and thirty-three feet; thence west three degrees and fifty-three minutes north four hundred and twenty-four feet to the place of beginning; and of the large frame building now situate on the said Fair Grounds property known as the Crystal Palace, at and for the price or sum of $647.00; and the mayor of the corporation is hereby authorized to execute and deliver for and on behalf of this corporation a conveyance of the said property to the said applicants or the company to be formed as aforesaid upon payment to the treasurer of this corporation of the said sum of six hundred and forty-seven dollars.

3. That the property, real and personal, of the applicants or the company to be formed as aforesaid and used for the purposes of or in connection with the said manufacturing business shall be partially exempted from municipal taxation (save and except taxation for school rates, local improvements, water rates and street watering) for a period of ten years from and including the first day of January, 1905, to the following extent and amount, that is to say:—exemption of all the assessed value thereof over and above the sum of $5,000.00, provided that the said partial exempting from municipal taxation is so granted subject to the performance and observance by the applicants or the company to be formed as aforesaid of the terms, conditions and stipulations made and contained in a certain agreement by and between the company and the corporation bearing date the twentieth day of February, 1905.

4. That this by-law shall not come into force unless and until it is confirmed and validated by act of the Legislative Assembly of the Province of Ontario.

Passed this twentieth day of February, 1905.

(Sgd.) JNO. S. MCCLELLAND, City Clerk.

(Sgd.) THEO. SWEET. Mayor.

(SEAL.)

Corporation of St. Catharines, Ontario.

SCHEDULE

SCHEDULE B.

This agreement made in duplicate this twentieth day of February in the year of our Lord, 1905, between John T. Thompson, of the City of Hamilton, in the County of Wentworth, Manufacturer, William B. Smith, of Port Rowan, in the County of Norfolk, Manufacturer, and Howard W. Fairlie, of the Township of Niagara, in the County of Lincoln, Yeoman, as Trustees for and representing a company to be formed under the Ontario Companies' Act (hereinafter called the Applicants) of the first part, and the Corporation of the City of St. Catharines (hereinafter called the Corporation) of the second part.

Whereas the applicants have represented to the council of the corporation that they are about to commence an industry in the City of St. Catharines for the purpose of manufacturing tin cans, and other goods manufactured from tin and other metals, and have requested the council of the corporation to convey to the applicants 1,294 acres of land, now owned by the corporation, situate on Catharine street, in the City of St. Catharines, and hereinafter more particularly described, and being a portion of the property known as the Fair Grounds property, and the large frame building known as the Crystal Palace, now situate on the Fair Grounds property and owned by the corporation, for the price or sum of six hundred and forty-seven dollars; and have also requested the council of the corporation to grant to the applicants partial exemption from municipal taxation for a period of ten years to the following extent and amount that is to say:

Exemption of all the assessed value of the property of the applicants used in connection with the said proposed manufacturing business over and above the sum of $5,000.00.

And whereas the applicants have represented to the council of the corporation that the applicants and others are now applying for Letters Patent of incorporation under the provisions of the Ontario Companies' Act under the name and style of "The J. T. Thompson Company, Limited," and that the said manufacturing business shall be conducted by the said company from and after incorporation as such.

And whereas the applicants have agreed with the corporation that in the event of the corporation conveying to the applicants the said lands hereinbefore referred to and the said building for the said sum of six hundred and forty-seven dollars, and also granting to the applicants partial exemption from municipal taxation, to the extent and amount aforesaid, the applicants will forthwith cause the said large frame building to be put into proper repair and condition for the purposes of the said manufacturing business and will add thereto such other buildings or additions as shall and may be necessary for the purposes of the said manufacturing business, and will instal all the necessary plant, machinery and appliances required in the said manufacturing business so that the same shall be complete and ready for operation and that the said manufacturing business shall be in active operation on or before the 15th day of April, 1905, and that the said buildings and the plant and machinery used in connection therewith (irrespective of the lands) shall be worth in the opinion of the council of the corporation and shall have actually cost the applicants or the company the sum of $25,000.00.

And whereas the applicants have also agreed with the corporation that the applicants or the company to be formed as aforesaid will, from and after the completion of the said factory and beginning to operate as aforesaid, continuously employ in the said manufacturing business during the said period of ten years not less than twenty-five operatives or workmen and will pay in wages to the said operatives or workmen (not including salaried officers or persons who may be shareholders in the company to be formed as aforesaid) during each year of the said period of ten years the sum of not less than $9,000.00.

And

And whereas the corporation has agreed to convey to the applicants the said lands and the building hereinbefore referred to and to grant to the applicants the said partial exemption from municipal taxation for a period of ten years (subject to the validation of such partial exemption by act of the Legislature of the Province of Ontario.

Now this agreement witnesseth that the parties hereto mutually covenant and agree to and with each other in manner following, that is to say:—

1. The corporation will forthwith convey to the applicants by a good and sufficient deed in fee simple the parcel of land hereinbefore referred to, containing by admeasurement 1,294 acres, being a portion of the property known as the Fair Grounds property in the City of St. Catharines and more particularly described as follows, that is to say:—

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of St. Catharines, in the County of Lincoln, and being part of lot number 18 in the fifth concession of the Township of Grantham, described as follows:—

Commencing on George street at the southwesterly angle of the Fair Grounds property; thence north three degrees and fifty-three minutes east one hundred and thirty-three feet; thence east three degrees and fifty-three minutes south four hundred and twenty-four feet to Catharine street; thence along Catharine street south three degrees and fifty-three minutes west one hundred and thirty-three feet, thence west three degrees and fifty-three minutes north four hundred and twenty-four feet to the place of beginning; and will also assign, transfer and convey to the applicants the large frame building now situate on the Fair Grounds property known as the Crystal Palace, at and for the price or sum of $647.00.

The corporation will also by by-law grant to the applicants and the company to be formed as aforesaid partial exemption of the real and personal property of the applicants used in connection with or forming part of the said manufacturing business from municipal taxation (save and except taxation for school purposes, local improvements, water rates and street watering) for a period of ten years to the following extent and amount, that is to say:—exemption of all the assessed value of such real and personal property over and above the sum of $5,000.00 from the 1st day of January, 1905, such by-law to be subject to validation by act of the Legislature of the Province of Ontario as hereinafter provided.

2. The applicants or the company to be formed as aforesaid will forthwith cause the said building to be put in proper repair and condition for the purposes of its proposed manufacturing business and will also add thereto such other buildings or additions as shall or may be necessary for the purposes of the said manufacturing business, and will install all the necessary plant, machinery and appliances required in the said proposed manufacturing business so that the same shall be complete and ready for operation and the said manufacturing business shall be in active operation as a going concern on or before the 15th day of April, 1905

3. That the said buildings and the plant and machinery used in connection therewith (irrespective of the land) shall be worth in the opinion of the council of the corporation and shall have actually cost the applicants or the company to be formed as aforesaid, when ready for operation, the sum of $25,000.00.

4. That the applicants or the company to be formed as aforesaid will from and after the completion of the said factory and beginning to operate as aforesaid continuously employ in the said manufacturing business during the said period of ten years not less than twenty-five operatives or workmen, and will pay in wages to the said operatives or workmen (not including salaried officers

officers or persons who may be shareholders in the Company to be formed as aforesaid) during each year of the said period of ten years, a sum not less than $9,000.00, and that for the purposes of this Agreement and calculating the amount so to be paid for wages as aforesaid the first year of the said period shall commence on the 15th day of April, 1905, and the other years of the said period respectively on each succeeding 15th day of April thereafter.

5. That the Applicants or the Company to be formed as aforesaid will permit the auditors of the Corporation or such other person or persons, not more than two, as the Council of the Corporation may by resolution appoint for that purpose to have a free access to the Company's books of account, statements and pay rolls for the purpose of ascertaining the amount paid by the Applicants of the said Company in each year as wages to its operatives or workmen.

6. That the Applicants or the Company to be formed as aforesaid will at all times during the said period of ten years insure and keep insured the said factory and buildings and plant, machinery and fixtures situate and being thereon, to their full insurable value, and if at any time during the said period of ten years the said building, plant, machinery and fixtures shall be wholly or partially destroyed by fire, then and in any such event and when and so often as the said event shall happen the Applicants or the Company will at once proceed to re-build or restore or repair said buildings, plant, machinery and fixtures so as to make the same suitable and available at the earliest reasonable time for the purposes of the said manufacturing business, and will at the earliest reasonable time resume the said manufacturing business on the said site. It shall be a term of the said policy or policies of insurance that all loss payable thereunder shall be payable to the Company and the Corporation as their interest may appear, and the Corporation shall have the right to insist that all losses payable under said policies of insurance shall forthwith be expended for the re-building and restoration of said buildings and plant to their former condition of efficiency.

7. That in case of a fire which shall render it impossible for the time being for the Applicants or the said Company to continue the said manufacturing business, then and in such case if the Company shall forthwith proceed to re-build and restore the said buildings, plant and machinery to their former condition of efficiency for the purpose of resuming and carrying on the said manufacturing business at the earliest practicable time the Applicants or the Company shall be relieved *pro tanto* of their covenant as to payment of wages for the year of said period in which fire may occur and the amount of wages for said year shall be estimated proportionately for the portion of such year during which the said factory could have been operated.

8. That during the said period of ten years the entire manufacturing business of the Applicants or of the said Company shall be done in the said City of St. Catharines.

9. That notwithstanding the partial exemption from taxation to be granted by the said by-law, the real and personal property of the Applicants or the said Company shall, during the said period of ten years, be annually assessed in the same manner as if the said By-law had not been passed, and shall be entered on the Collector's roll of the said City, but the taxes rated on the said Assessment (save and except taxation for school purposes, local improvements, water rates and street watering, and save and except as in the next succeeding clause mentioned) shall not be collected on any greater part of the said assessment than $5,000.00, unless the Applicants or the said Company shall have made substantial default in the terms, conditions and stipulations of this Agreement or the said By-law, in which case the

said

said taxes shall be due and payable, and may be collected as if the said By-law had never been passed.

10. It is also understood and agreed that the partial exemption from Municipal Taxation granted to the Applicants and the said Company by the said By-law shall not extend to or include any rate or rates levied by the Council of the Corporation for the purpose of paying or discharging any debt, obligation or debentures of the Corporation and the interest thereon heretofore or hereafter incurred, made or issued by the Corporation for the purpose of aiding, by way of bonus, any persons, firm, corporation or company in the business of manufacturing in the City of St. Catharines, and the Company shall pay, and the Corporation may collect the amount of such rate or rates to be computed on the real and personal property of the Company, as entered on the assessment roll of the City from year to year.

11. It is agreed that the corporation will support and approve of an application by the applicants or the said company to the Legislative Assembly of the Province of Ontario at the ensuing session thereof for an Act to confirm and validate the said by-law, and this agreement; and that all fees and disbursements incident to the said application and all fees, disbursements and expenses incurred by the corporation or its officers in supporting the said application shall be paid by the applicants or the said company.

12. It is also understood and agreed that the said company will, as soon as Letters Patent of Incorporation are issued ratify and confirm this agreement and agree with the corporation to be bound by all the terms of the said by-law and this agreement within one month from the issue of the said Letters Patent.

13. That the terms, covenants, and stipulations of this agreement and the said by-law shall extend to and bind the successors and assigns of the company to be formed as aforesaid.

In witness whereof the applicants have executed this agreement and the Mayor of the corporation has hereunto set his hand and caused to be affixed the Seal of the Corporation.

Signed, Sealed and Delivered in the presence of

BESSIE G. CHACE.

J. T. THOMPSON. (Seal.)

W. B. SMITH. (Seal.)

H. W. FAIRLIE. (Seal.)

CHAPTER

CHAPTER 74.

An Act to confirm By-law Number 1695 of the City of St. Catharines.

Assented to 25th May, 1905.

Preamble. WHEREAS the municipal council of the Corporation of the City of St. Catharines has, by petition, represented that the Avery Stamping Company, of Cleveland, in the State of Ohio, a manufacturing company engaged in the business of general metal working and manufacturing of steel shovels, scoops and spades, has represented to the council of the said municipal corporation that the said company is about to apply for a license under *The Ontario Companies Act*, to do business in the Province of Ontario, and has also represented to the said council that for the purposes of their said manufacturing business, the said company has purchased a property and buildings in the City of St. Catharines between locks 2 and 3 on the old Welland canal, and the said company has applied to the council of the said municipal corporation for aid by way of bonus to the extent and in the manner following, that is to say: Exempting from municipal taxation (save and except taxation for school rates, local improvements, water rates and street watering) for a period of ten years, and the payment by the corporation to the company of a proportionate part of the cost of the electrical power used by the company in its said manufacturing business as is more fully set out in the by-law and agreement, being respectively Schedules "A" and "B" hereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 1695 of City of St. Catharines and agreement set out.

1. By-law Number 1,695 of the council of the Corporation of the City of St. Catharines, set forth in Schedule "A" to this Act, intituled "A by-law to aid by way of bonus

The

The Avery Stamping Company," passed by the said council on the 24th day of March, 1905, and the agreement referred to in said by-law and incorporated therewith, and set forth in Schedule "B" to this Act, are hereby declared legal, valid and binding upon the said corporation of the City of St. Catharines. Cost in Sheds. A and B confirmed.

SCHEDULE A.

By-Law No. 1695.

A by-law to aid by way of bonus the Avery Stamping Company.

Whereas the Avery Stamping Company of Cleveland, in the State of Ohio, (hereinafter called "The Company") a company engaged in the business of general metal working and manufacturers of steel shovels, scoops and spades, is about to apply under the Ontario Companies Act for a license to do business in the Province of Ontario, and has agreed with this corporation to commence and establish its said manufacturing business in the City of St. Catharines, and has applied to the council of the corporation for aid by way of bonus to the extent and in the manner following, that is to say: exemption from municipal taxation (save and except taxation for school purposes, local improvements, water rates and street watering for a period of ten years) and the payment by the corporation to the company of the amount of the cost to the company of the electrical power used by the company in its said manufacturing business up to the limit of fifty electrical horse power over and beyond the sum of $10 per electrical horse power, and in case the company shall use in its said manufacturing business more than fifty electrical horse power, then the payment by the corporation to the company of the cost of all excess electrical horse power used by the company up to the limit of 100 additional electrical horse power over and above the sum of twelve dollars per electrical horse power, for the period of ten years.

And whereas the company has purchased or acquired the property on the banks of the old Welland Canal, between locks 2 and 3 recently occupied by The Woodburn Sarven Wheel Company and has agreed with the corporation to establish its said manufacturing business therein and to have the same in complete operation on or before the first day of September, 1905, and to carry on the said manufacturing business for a period of ten years, and has agreed to employ in its said manufacturing business not less than twenty-five workmen (not including salaried officers or shareholders in the company) during the first year after beginning to manufacture, and to employ not less than forty workmen (not including salaried officers or shareholders in the company) during each of the other years of the said period of ten years, and to pay in wages during the first year of the said period not less than $10,000.00 to its workmen, and during each of the other years of said period not less than $16,000.00.

And whereas there is no industry of a similar nature established in the City of St. Catharines.

Therefore the Council of the Corporation of the City of St. Catharines enacts as follows:—

1. The company shall be entitled to exemption from municipal taxation (save and except taxation for school purposes local improvements, water rates and street watering) for a period of ten years from and including the 1st day of June, 1905, on all the property real and personal of the company used in connection with or as appurtenant to the said manufacturing business of the company in the City of St. Catharines.

2. The corporation will pay to the company during the said period of ten years the amount of the cost to the company of the electrical power

power used by the company in its said manufacturing business up to the limit of 50 electrical horse power over and above the sum of ten dollars per electrical horse power, and in case the company shall use in its said manufacturing business more than 50 electrical horse power, then the corporation will pay to the company the amount of the cost to the company of all excess electrical horse power used by the company in its said manufacturing business up to the limit of 100 additional electrical horse power over and above the sum of twelve dollars per electrical horse power the time and manner of such payment by the corporation to be in accordance with the terms of the agreement hereinafter in this by-law referred to between the corporation and the company.

3. That notwithstanding the exemption from taxation granted by this by-law to the company the real and personal property of the company shall during the said period of ten years be annually assessed in the same manner as if this by-law had not been passed and shall be entered on the collector's roll of the city but the taxes rated on the said assessment (save and except taxation for school purposes local improvements, water rates and street watering, and save and except as in the next succeeding clause mentioned) shall not be collected on the said assessment unless the company shall have made substantial default in the terms, conditions and stipulations of a certain agreement entered into by and between the company and this corporation and hereinafter in this by-law referred to, in which case the said taxes for the municipal year in which such default shall happen, shall become due and payable and may be collected as if this by-law had not been passed.

4. That the exemption from municipal taxation granted to the company by this by-law shall not extend to or include any rate or rates levied by the council of the corporation for the purpose of paying or discharging any debt, obligation or debentures of the corporation and the interest thereon, hereafter incurred, made or issued by the corporation, for the purpose of aiding by way of bonus any person, firm, corporation or company, in the business of manufacturing in the City of St. Catharines; and the company shall pay and the corporation may collect the amount of said rate or rates to be computed on the real and personal property of the company as entered on the assessment roll of the city from year to year.

5. That the aid by way of bonus granted by this by-law and the said exemption from taxation shall be subject to the terms, conditions and stipulations made and contained in a certain agreement bearing date the 24th day of March, 1905, by and between the company and the corporation.

6. This by-law shall not come into force and take effect unless and until it is validated by Act of the Legislative Assembly of the Province of Ontario.

Passed this 24th day of March, 1905.

(Sgd.) THEO. SWEET,
Mayor.

(Sgd.) JNO. S. MCCLELLAND,
Clerk.

[L. S.]

SCHEDULE "B."

This agreement made in duplicate the twenty-fourth day of March in the year of our Lord 1905, between the Avery Stamping Company of the City of Cleveland, in the State of Ohio, (hereinafter called "The Company") of the first part, and the Corporation of the City of St. Catharines (hereinafter called "The Corporation") of the second part.

Whereas the company, being a company engaged in the business of general metal working and manufacturers of steel shovels, scoops

scoops and spades, is about to apply under The Ontario Companies Act for a license to do business in the Province of Ontario, and has agreed with the corporation to commence and establish its said manufacturing business in the City of St. Catharines, and has applied to the council of the corporation for aid by way of bonus to the extent and in the manner following, that is to say:—Exemption from municipal taxation (save and except taxation for school purposes, local improvements, water rates and street watering) for a period of ten years, and the payment by the corporation to the company of the amount of the cost to the company of the electrical power used by the company in its said manufacturing business up to the limit of 50 electrical horse power over and beyond the sum of ten dollars per electrical horse power, and in case the company shall use in its said manufacturing business more than 50 electrical horse power, then the payment by the corporation to the company of the cost of all excess electrical horse power used by the company in its said manufacturing business up to the limit of 100 additional electrical horse power over and above the sum of twelve dollars per electrical horse power, for the period of ten years.

And whereas the company has purchased or acquired the property on the banks of the old Welland Canal between locks two and three, recently occupied by The Woodburn Sarven Wheel Company, and has agreed with the corporation to establish its said manufacturing business therein and to have the same in complete operation on or before the 1st day of September, 1905, and has agreed to employ in its said manufacturing business not less than twenty-five workmen or operatives (not including salaried officers or shareholders in the company) during the first year after beginning to manufacture, and to employ not less than forty workmen or operatives (not including salaried officers or shareholders in the company) during each of the other years of the said period of ten years, and to pay in wages during the first year of the said period to its operatives and workmen not less than $10,000.00 and during each of the other years of said period not less than $16,000.00.

And whereas the council of the corporation has by by-law passed on the 24th day of March, 1905, granted to the company the said aid by way of bonus.

And whereas by the said by-law it was enacted that the said aid by way of bonus granted by the said by-law should be subject to the terms, conditions and stipulations made and contained in a certain agreement bearing date the 24th day of March, 1905, entered into by and between the company and the corporation and that the said by-law shall not come into force or take effect unless and until it is validated by Act of the Legislative Assembly of the Province of Ontario.

Now this agreement (being the agreement referred to in the said by-law) witnesseth that the company and the corporation mutually covenant and agree to and with each other in manner following, that is to say:—

1. The company shall be entitled to exemption from municipal taxation (save and except taxation for school purposes, local improvements, water rates and street watering) for a period of ten years, from and including the 1st day of June, 1905, on all the property real and personal of the company used in connection with or as appurtenant to the said manufacturing business of the company in the City of St. Catharines.

2. The corporation will pay to the company, during the said period of ten years, the amount of the cost to the company of the electrical horse power used by the company in its said manufacturing business up to the limit of 50 electrical horse power over and above the sum of ten dollars per electrical horse power, and in case the company shall use in its said manufacturing business more than 50 electrical horse power, then the corporation will pay to the company the amount of the cost to the company of all excess electrical horse

horse power used by the company in its said manufacturing business up to the limit of 100 additional electrical horse power over and above the sum of twelve dollars per electrical horse power. The manner and time of said payment by the corporation to the company shall be as follows:—The company shall cause to be delivered monthly to the Treasurer of the Corporation by the person, firm, company or corporation which shall sell and deliver the said electrical power to the company, a statement of account showing the amount of electrical power used by the company or for which the company is liable to pay and the amount of the cost of such power and showing the proportion of such cost payable by the company and the proportion thereof payable by the corporation under the terms of this clause, and upon the delivery of such monthly statement the corporation shall, if such statement be correct, pay such proportion to the person, firm, company or corporation delivering such power to the company as aforesaid.

And whereas the company has this day entered into a contract with The Lincoln Electric Light & Power Company, Limited, for the development and supply to the company for a term of ten years of electrical current to the maximum extent of 50 horse power, and the company has agreed with the said The Lincoln Electric Light & Power Company, Limited, to pay for the said current at six-tenths cents (.06) for each electrical horse power hour consumed, and it is also a term of the said contract between the company and the said The Lincoln Electric Light & Power Company, Limited, that the company shall have the privilege of contracting with the said The Lincoln Electric Light & Power Company, Limited, for additional power up to the maximum of 150 horse power, and the said The Lincoln Electric Light & Power Company, Limited, has agreed with the company that should additional power up to the maximum of 100 or 150 horse power be contracted for by the company within two years from the date of the said contract, that the rate to be paid by the company shall then be five-tenths cents (.05) for each electric horse power hour consumed, and it is a further term of the said contract that should the company not contract with the said The Lincoln Electric Light & Power Company, Limited, for additional power up to the maximum of 100 or 150 horse power within two years from the date of the said contract that the company shall have the privilege of contracting for the said maximum amount of power at any time during the term of the said contract at a rate not greater than six-tenths cents (.06) for each electric horse power hour consumed.

Now having regard to the said contract entered into between the company and the said, The Lincoln Electric Light & Power Company, Limited, and for the purpose of more clearly explaining and defining the intention of the parties to this agreement and carrying out the provisions of this clause with respect thereto, it is understood and agreed by and between the corporation and the company that so long as the company shall not have contracted with the said The Lincoln Electric Light & Power Company, Limited, for more than the said maximum extent of 50 horse power under the terms of the said contract, the corporation will monthly and when and as soon as the statements or accounts of the said, The Lincoln Electric Light & Power Company, Limited, of the amount of power used or consumed by the company under the terms of the said contract, are rendered monthly to the corporation as provided for in the said contract, pay or cause to be paid to the said The Lincoln Electric Light & Power Company, Limited, as and for the corporation's share or proportion of said monthly account as follows:—If the said monthly account or statement so rendered as aforesaid shall show that the company has not used or consumed more than an average of five hundred horse power hours per day, during the month for which such account or statement is rendered, the corporation will pay as its share or proportion of

said

said account eight-eighteenths (8-18) of the amount of the said account (not considering or including meter rent) or at the rate of twenty-seven one-hundredths cents (.027) for each electric horse power hour consumed; if the said monthly account or statement shall show that the company has used or consumed more than an average of five hundred horse power hours per day during the month, for which such account or statement is rendered, then the corporation will pay or cause to be paid to the said, The Lincoln Electric Light & Power Company, Limited, for, and in respect of the excess or additional power used by the company over and above the said average of five hundred horse power hours per day, six-eighteenths (6-18) of the cost of such additional or excess power over and above the said average of five hundred horse power hours per day.

In the event of the company contracting with the said, The Lincoln Electric Light & Power Company, Limited, under the terms of the said contract, for one hundred horse power or more up to the limit of one hundred and fifty horse power, the corporation will from and after the time of the company's so contracting as aforesaid, monthly and when and as soon as the statements or accounts of the said, The Lincoln Electric Light & Power Company, Limited, of the amount of power used or consumed by the company under the terms of the said contract, are rendered monthly to the corporation as provided for in the said contract, if said monthly account or statement shall show that the use or consumption of power by the company for the month for which such statement is rendered has not been greater than an average daily use or consumption of five hundred horse power hours, pay or cause to be paid to the said, The Lincoln Electric Light & Power Company, Limited, as the corporation's share or proportion of such monthly account, five-fifteenths (5-15) of the amount of the said account, and in case said monthly statement shall show that the average daily use or consumption for the month for which such statement is rendered has been greater than five hundred horse power hours per day, then the corporation will pay to the said The Lincoln Electric Light & Power Company, Limited, for and in respect of such additional or excess power over and above the said average daily use or consumption of five hundred horse power hours per day, three-fifteenths (3-15) of the cost of such additional or excess power over and above an average daily use or consumption of five hundred horse power hours.

And the company hereby agrees with the corporation that the accounts or statements to be rendered monthly by the said The Lincoln Electric Light & Power Company, Limited, to the corporation under the terms of the said contract and this agreement, shall so far as the company can procure it to be done, show clearly and definitely the amount or extent of electrical power used or consumed by the company from time to time and the respective amounts payable by the company and the corporation under the terms of this agreement.

3. That the company will forthwith apply under the provisions of *The Ontario Companies Act* for a license authorizing the company to do business in the Province of Ontario, and will also forthwith proceed to establish and commence its said manufacturing business in the City of St. Catharines in and on the lands and premises recently occupied by the Woodburn Sarven Wheel Company between locks two and three on the banks of the old Welland Canal, and will have its said manufacturing business established and in active and complete operation on or before the 1st day of September, 1905.

4. That the company will from and after the said 1st day of September, 1905, continuously carry on on the said site its business of general metal working and manufacturing steel shovels, scoops and spades, for and during the period of ten years, save and except for such periods of cessation or shutting down, not however

to

to exceed two months in any year, as are reasonably and ordinarily incident to the nature of said business and such periods of cessation or shutting down as shall be caused by strikes on the part of its workmen or operatives or by vis major or the act of God, and also save in the event of the total or partial destruction by fire to the company's factory, in which event the company shall be allowed a reasonable time to rebuild or restore said factory as the case may be.

5. That the company will, from and after the said 1st day of September, 1905, continuously employ in its said manufacturing business during the first year of the said period not less than twenty-five workmen or operatives (not including salaried officers or shareholders in the company) and during each of the other years of the said period not less than forty workmen or operatives (not including salaries officers or shareholders in the company) and during the first year of the said period pay in wages to its workmen or operatives (not including salaried officers or shareholders in the company) not less than $10,000.00, and thereafter in each of the other years of the said period not less than $16,000.00, and that for the purposes of this agreement, and calculating the amount so to be paid for wages as aforesaid, the first year of the said period shall commence on the 1st day of September, 1905, and the other years of the said period respectively on each succeeding 1st day of September thereafter.

6. That the company will permit the auditors of the corporation, or such other person or persons, not more than two, as the council of the corporation may by resolution appoint for that purpose, to have free access to the company's books of account, statements and pay rolls for the purpose of ascertaining the amount paid by the company in each year as wages to its workmen and operatives.

7. That the company will at all times during the said period of ten years insure and keep insured the said factory and its buildings, plant, machinery and fixtures situate and being thereon.

8. That in case of a fire which shall render it impossible for the time being for the company to continue its said manufacturing business, then and in such case, if the company shall forthwith proceed to rebuild and restore the said buildings, plant and machinery to their former condition of efficiency for the purpose of resuming and carrying on its said manufacturing business at the earliest practicable time, the company shall be relieved *pro tanto* of its covenant as to payment of said wages for the year of said period in which said fire may occur and the amount of wages for said year shall be estimated proportionately for the portion of such year during which the company's factory could have been operated.

9. That during the said period of ten years all the manufacturing business done by the company in the Dominion of Canada shall be done in the said City of St. Catharines.

10. That notwithstanding the partial exemption from taxation granted by the said by-law, the real and personal property of the company shall during the said period of ten years be annually assessed in the same manner as if the said by-law had not been passed and shall be entered on the Collector's roll of the said city, but the taxes rated to the said assessment (save and except taxation for school purposes, local improvements, water rates and street watering and save and except as in the next succeeding clause mentioned) shall not be collected on the said assessment unless the company shall have made substantial default in the terms, conditions and stipulations of this agreement or of the said by-law, in which case the said taxes for the municipal year in which such default shall happen or occur, shall be due and payable for such year and may be collected as if the said by-law had not been passed.

11. It is also agreed that the exemption from municipal taxation granted to the company by the said by-law shall not extend to

to or include any rate or rates levied by the council of the corporation for the purpose of paying or discharging any debt, obligation or debentures of the corporation and the interest thereon hereafter incurred, made or issued by the corporation for the purpose of aiding by way of bonus any person, firm, corporation or company in the business of manufacturing in the City of St. Catharines, and the company shall pay and the corporation may collect the amount of such rate or rates to be computed on the real and personal property of the company as entered on the assessment rolls of the city from year to year.

12. It is agreed that the corporation will apply to the Legislative Assembly of the Province of Ontario at the present or next ensuing session thereof for an Act to confirm and validate the said by-law and this agreement.

13. That the terms, covenants and stipulations of this agreement and the said by-law shall extend to and bind the successors and assigns of the company.

In witness whereof the proper officer of the company has hereunto set his hand and affixed the corporate seal of the company and the mayor of the corporation has hereunto set his hand and caused to be affixed the seal of the corporation.

Signed, sealed and delivered in the presence of,
(Sgd.) ELBERT A. WRIGHT. (Sgd.) THE AVERY STAMPING CO., L.S.
(Sgd.) JNO. S. MCCLELLAND.

HENRY W. AVERY,
Manager and Treasurer.
GEO. H. LLOYD,
Secy.
(Sgd.) THEO. SWEET, L.S.
Mayor.

CHAPTER

CHAPTER 75.

An Act to confirm By-Law No. 1493 of the City of St. Thomas and for other purposes.

Assented to 12th May, 1905.

Preamble

WHEREAS the Municipal Corporation of the City of St. Thomas has by its petition represented that the said corporation has entered into an agreement with the St. Thomas Gas Company for the purchase by the said Municipal Corporation of the works and property of the said company, and has passed By-law No. 1493 to provide for the issue of debentures to the amount of $200,000 for that purpose; and whereas it has been made to appear that the said By-law was submitted to a vote of the ratepayers of the said city entitled to vote on money By-laws as provided by *The Consolidated Municipal Act, 1903*, and was duly carried by the said ratepayers by a large majority; and whereas doubts have arisen as to whether such By-law should have been submitted to and the vote of the whole electorate of the said city taken upon the said By-law and as to whether the provisions of sub-section 5 of section 569 of *The Consolidated Municipal Act, 1903*, applied to the said By-laws; and whereas the said corporation has prayed that an Act may be passed to confirm the said By-law so as to remove any doubts as to the validity of the debentures to be issued thereunder in view of the provisions of sub-section 5 of section 569 of *The Consolidated Municipal Act, 1903;* and whereas it is expedient to grant the prayer of the said petition.

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 1493 of City of St. Thomas confirmed.

1. By-law No. 1493 of the Corporation of the City of St. Thomas set forth in the schedule to this Act is ratified and confirmed and declared to be valid, legal and binding upon the Municipal Corporation of the City of St. Thomas

Thomas and the ratepayers thereof, to all intents and purposes notwithstanding anything contained in sub-section 5 of section 569 of *The Consolidated Municipal Act, 1903*; and notwithstanding any want of jurisdiction on the part of the said municipality to pass the said By-law, and notwithstanding any want of formality, defect or error in substance or in form of the said By-law or in the manner of submitting and passing the same; and the debentures to be issued under the authority of the said By-law are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof; and the said Corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law and of the purchase thereby authorized.

SCHEDULE.

By-law No. 1493.

To authorize the issue of debentures to the amount of $200,000, for the purpose of purchasing the whole of the Gas and Electric Light Works and property of the St. Thomas Gas Company.

Whereas the municipal council of the City of St. Thomas resolved and determined that it was necessary and expedient in the public interest to acquire the Gas and Electric Light Works of the St. Thomas Gas Company, and for that purpose the said council made an offer to the said company, under the provisions of section 566 of *The Consolidated Municipal Act, 1903*, to purchase the whole of the said works and property, which offer was refused by the said company, and the said council and the said company thereupon proceeded to arbitration as by the said Act is provided.

And whereas the municipal council of the City of St. Thomas and the St. Thomas Gas Company have subsequently agreed upon the price to be paid for the said works and property, and have entered into an agreement, bearing date the twenty-ninth day of November, A. D. 1904, for the purchase by the said municipal corporation of the said works and property of the said company, subject to the assent of the ratepayers being obtained to this by-law.

And whereas it is necessary and expedient to raise by way of loan upon the credit of the City of St. Thomas, the sum of two hundred thousand dollars for the purpose of purchasing the said gas and electric light works and property of the said company and to issue debentures of the City of St. Thomas for the said sum.

And whereas the municipal council of the City of St. Thomas has resolved that such debentures shall be payable in thirty annual instalments, with interest at the rate of four and one-half per cent. per annum, so that the said instalments shall be such that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of thirty years.

And whereas it will be necessary to raise annually by a special rate sufficient therefor during the said term of thirty years the currency of the debentures to be issued under this by-law, the sum of $12,278.31 for the payment of the said debt and interest.

And

And whereas the amount of the whole rateable property of the municipality of the City of St. Thomas, according to the last revised assessment roll of the said city, being for the year A. D. 1904, is the sum of $4,809,985.00.

And whereas the existing debenture debt of the City of St. Thomas is the sum of $462,042.21, as against which the corporation has on hand sinking funds to the amount of $55,692.52, the above amount of debenture debt is exclusive of the sum of $50,000 of debentures of the St. Thomas Street Railway Company, which have been guaranteed by the municipality, and is exclusive also of local improvement debentures secured by special rates and assessments, which last mentioned debt amounts to the sum of $202,667.70, of which debt $198,928.72 is guaranteed by the municipality of the City of St. Thomas at large, and as against which the corporation has on hand sinking funds to the amount of $3,738.98, and is exclusive also of the sum of $20,000 of debentures to be issued by way of bonus to the Lake Erie and Detroit River Railway Company, but which have not yet been issued; and no sum is in arrears either for principal or interest for or on account of the said debt.

And whereas in addition to all other rates to be levied each year during the said term of thirty years in the City of St. Thomas, it will be necessary to raise annually by a special rate therefor on all the rateable property in the said City of St. Thomas, the sum of $12,278.31 during the said term of thirty years to pay the several instalments of principal and interest on the said debt as they respectively become due and payable.

And whereas the said agreement between the corporation of the City of St. Thomas and the St. Thomas Gas Company is hereto annexed and marked Schedule A to this by-law.

Therefore the corporation of the City of St. Thomas by the council thereof, enacts as follows:—

1. That the agreement contained in Schedule A to this by-law bearing date the twenty-ninth day of November, in the year of our Lord one thousand nine hundred and four, and made between the corporation of the City of St. Thomas and the St. Thomas Gas Company for the purchase by the said municipal corporation of the said gas and electric light works and property of the said company be and the same is hereby ratified and confirmed.

2. It shall be lawful for the Mayor of the City of St. Thomas, for the purpose aforesaid, to borrow from any person or persons, body or bodies corporate, who may be willing to advance the same upon the security of the debentures hereinafter mentioned the sum of two hundred thousand dollars in sums of not less than one hundred dollars each, bearing interest at the rate of four and one-half per cent. per annum, payable in the manner, for the amounts, and at the times hereinafter set forth.

3. The said debentures shall have coupons attached thereto for interest, and as to principal and interest, shall be payable at the office of the City Treasurer in the said City of St. Thomas, on the first day of March in each year.

4. The said debentures shall be payable in annual instalments within thirty years from the date of the issue thereof, at the office of the City Treasurer in the City of St. Thomas, such instalments to be in such amounts that the aggregate amount payable for principal and interest in any year during the said term of thirty years shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of thirty years, as is hereinafter particularly set forth.

5. The said debentures shall bear interest at the rate of four and one-half per cent. per annum from the date of the issue thereof, which said interest shall be payable on the first day of March in each and every year during the currency of the said debentures or any of them, the first of such payments to be made on the first day of March, A. D. 1906.

6. It shall be lawful for the Mayor of the said City of St. Thomas, and he is hereby authorized and instructed, to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said City of St. Thomas, and the Clerk of the said city is hereby authorized and instructed to attach the seal of the said city to the said debentures.

7. There shall be raised and levied in each and every year for thirty years the currency of the said debentures to be issued under the authority of this by-law by special rate sufficient therefor on all the rateable property in the said City of St. Thomas, over and above and in addition to all other rates and taxes, the sum of $12,278.31 for payment of the several instalments of principal and interest, accruing due on the said debt as the same become respectively payable in the years hereinafter mentioned, and the sums to be so raised and levied for the payment of the said principal and interest in each year during the said period are as follows:—

Year.	Principal.	Interest.	Total Payment.
1905	$3,278.31	$9,000.00	$12,278.31
1906	3,425.83	8,852.48	12,278.31
1907	3,580.00	8,698.31	12,278.31
1908	3,741.10	8,537.21	12,278.31
1909	3,909.45	8,368.86	12,278.31
1910	4,085.37	8,192.94	12,278.31
1911	4,269.21	8,009.10	12,278.31
1912	4,461.32	7,816.99	12,278.31
1913	4,662.08	7,616.23	12,278.31
1914	4,871.88	7,406.43	12,278.31
1915	5,091.11	7,187.20	12,278.31
1916	5,320.21	6,958.10	12,278.31
1917	5,559.62	6,718.69	12,278.31
1918	5,809.81	6,468.50	12,278.31
1919	6,071.25	6,207.06	12,278.31
1920	6,344.45	5,933.86	12,278.31
1921	6,629.95	5,648.36	12,278.31
1922	6,928.30	5,350.01	12,278.31
1923	7,240.07	5,038.24	12,278.31
1924	7,565.88	4,712.43	12,278.31
1925	7,906.34	4,371.97	12,278.31
1926	8,262.13	4,016.18	12,278.31
1927	8,633.92	3,644.39	12,278.31
1928	9,022.45	3,255.86	12,278.31
1929	9,428.46	2,849.85	12,278.31
1930	9,852.74	2,425.57	12,278.31
1931	10,296.12	1,982.19	12,278.31
1932	10,759.44	1,518.87	12,278.31
1933	11,243.62	1,034.69	12,278.31
1934	11,749.58	528.73	12,278.31

8. A special rate on the dollar on the assessed value of all the rateable property in the City of St. Thomas over and above and in addition to all other rates and taxes, and which special rate shall be sufficient to produce in each year the said sum of $12,278.31 shall be annually levied and collected from the year A. D. 1905, to the year 1934 inclusive (unless the said debentures shall be sooner paid) for the purpose of paying the said sum of two hundred thousand dollars and the interest thereon, as hereinbefore specified.

9. This by-law shall take effect on the day of the final passing thereof.

10. The debentures to be issued under the authority of this by-law shall be issued on the first day of March, A. D. 1905, and the whole of the said debentures shall be paid within thirty years of the said date.

11. The votes of the ratepayers of the City of St. Thomas shall be taken on this by-law by the Deputy Returning Officers hereinafter

after named, on Monday, the 2nd day of January, A. D. 1905, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places:—

First Ward, being polling subdivision No. 1, at John Merry's shop, No. 169 North Talbot Street, by John Merry as Deputy Returning Officer.

Second Ward, being polling subdivision No. 2, at the vacant store in the Grand Opera House Block, No. 234 South Talbot Street, by Thomas Arkell as Deputy Returning Officer.

Third Ward, polling subdivision No. 3, at R. H. Calvert's house, No. 83 North Scott Street, by Elijah Moore as Deputy Returning Officer.

Polling subdivision No. 4, at John Nagle's office, No. 312 South Talbot Street by Wm. Newcombe as Deputy Returning Officer.

Polling subdivision No. 5 at Mrs. Clow's house, No. 119 Elgin Street, by W. E. Nicoll as Deputy Returning Officer.

Fourth Ward, polling subdivision No. 6, at Wm. Barrett's barber shop, No. 483 North Talbot Street, by John G. Lang as Deputy Returning Officer.

Polling subdivision No. 7, at Walter McQueen's cigar store, No. 563 North Talbot Street, by Jesse P. Freek as Deputy Returning Officer.

Polling subdivision No. 8, at Schreck's jewellery shop, South Talbot Street, by William Freeland as Deputy Returning Officer.

Polling subdivision No. 9, at Frederick Bowden's house, No. 14 South College Street, by Frederick Bowden as Deputy Returning Officer.

Fifth Ward, polling subdivision No. 10, at Calver's cigar store, No. 693 North Talbot Street, by Archibald R. McDonald as Deputy Returning Officer.

Polling subdivision No. 11, at the vacant store, No. 769 North Talbot Street, by Thomas Stewart as Deputy Returning Officer.

Polling subdivision No. 12, at Davis' shoe shop, No. 67½ East Ross Street, by Edward Compton as Deputy Returning Officer.

Polling subdivision No. 13 at Ley's shoe shop, No. 117 East Ross Street,, by Thomas Ley as Deputy Returning Officer.

Sixth Ward, being polling division No. 14, at Robert Kane's house, No. 7, Balaklava Street, by Joseph E. Fraser as Deputy Returning Officer.

That on Saturday, the 31st day of December, 1904, at three o'clock in the afternoon, at the City Hall, the Mayor shall appoint by writing signed by him, two persons to attend at the final summing up of the votes by the City Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of securing the passage of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passage of this by-law.

The Clerk of the municipality shall, on Tuesday, the 3rd day of January, 1905, at the hour of twelve o'clock, noon, attend at the City Hall, in the City of St. Thomas, and sum up the number of votes given for and against this by-law.

Read a first and second time this sixth day of December, A. D. 1904. Read a third time and finally passed the eighteenth day of January, A. D. 1905.

(Sgd.) W. B. DOHERTY, City Clerk. (Sgd.) THOMAS MEEK, Mayor.

(Seal).

CHAPTER

CHAPTER 76.

An Act respecting the Town of Smith's Falls.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Municipal Corporation of the Town of Smith's Falls has by petition represented that the council of the said corporation has duly passed the several by-laws set out in Schedule "A" to this Act for the issue of debentures for the purposes mentioned in the said by-laws, none of which said debentures have been issued or sold and among which said by-laws were certain by-laws for raising by the issue of local improvement debentures the cost of connection of sewers and water works with the houses of certain ratepayers spreading the payment of the cost thereof over a number of years at the request and for the benefit of said ratepayers, and that some question has arisen as to the legality of the said by-laws; and whereas the said corporation has by said petition represented that it is expedient to validate and confirm all of the said by-laws of the said Town of Smith's Falls; and whereas the said corporation has by the said petition further represented that the corporation undertook to make the said connection because the road beds of the streets in said town are practically all rock so that the construction of sewers and the laying of water pipes therein is unusually difficult and expensive and has further represented that for the reasons aforesaid it is expedient to lighten the burden of the ratepayers of said town by extending the time in which debentures for the construction of sewers and laying of water pipes shall be payable for forty years; and whereas the said corporation has by the said petition further represented that the time in which debentures issued under the authority of said By-laws 573, 623 and 650 and "*The Smith's Falls Act, 1899*," are payable is thirty-five years, and all the remainder of said by-laws

laws set out in Schedule "A" with the exception of those for the raising of money to pay for the construction of granolithic walks are for the purposes for which *The Smith's Falls Act, 1900*, contemplated forty year debentures might be issued; and whereas the said corporation has by said petition further represented that the said corporation has incurred a floating debt of about $2,500 in addition to the ordinary expenses of the corporation the said floating debt having arisen because of the sale at a discount of considerable blocks of the town's debentures, the rate of interest at which they were issued being less than the then prevailing rate, and that the payment of the said floating debt in one year together with other annual payments to be provided for would be unduly oppressive to the ratepayers of the said town; and whereas the said corporation has by the said petition further represented that it is expedient that the said corporation shall be enabled to consolidate its debt authorized to be incurred under the by-laws set out in Part I. of the said Schedule "A" together with said floating indebtedness in all amounting to the sum of $54,256.37, and to effect a loan to pay off the same and to issue debentures therefor payable in forty years; and whereas the said corporation has by the said petition further represented that it is expedient that the said corporation shall also be enabled to consolidate the ratepayers' share of said local improvement debenture debt authorized by the by-laws set out in Part 2 of said Schedule "A" in all amounting to the sum of $29,937.03 and to issue debentures therefor; and whereas the said corporation has by the said petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Certain by-laws confirmed.

1. Subject to the provisions hereinafter contained By-laws 573, 604, 605, 623, 639, 650, 660, 661, 664, 665, 666, 667, 668 and 669 of the Municipal Corporation of the Town of Smith's Falls as set out in Schedule "A" to this Act and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass any or all of said by-laws and notwithstanding any defect in substance or in form of any or all of said by-laws or in the manner of passing the same.

Debts consolidated at $54,256.37.

2. That portion of the debenture debt of the municipal corporation of the said Town of Smith's Falls authorized to be issued under nine of the several by-laws mentioned in the preceding section, namely, By-laws 573, 605, 623, 639, 650, 660, 665, 667 and 668 together with the floating debt of $2,500 of the said municipality are hereby consolidated at the sum of $54,256.37 and it shall be lawful for the municipal corporation of the said Town of Smith's Falls to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons or body corporate a sum or sums sufficient to retire the said debentures and to pay off the said floating debt not exceeding in the whole the said sum of $54,256.37 exclusive of interest thereon.

Issue of debentures for $54,256.37 authorized.

3. For the purposes mentioned in section 2 hereof it shall be lawful for the council of the corporation of the Town of Smith's Falls from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal signed by the Mayor and countersigned by the Treasurer for the time being of the said town, in such sums not less than $100 each and not exceeding $54,256.37 in the whole as said council may from time to time direct; and the principal secured by the said debentures and the interest accruing thereon may be made payable at such place or places as the said council may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Local improvement debentures consolidated at $29,937.03.

4. The amounts authorized to be raised by debentures by five of the above by-laws, namely By-laws 604, 661, 664, 666 and 669 being by-laws passed by the municipal corporation of the said Town of Smith's Falls for raising by the issue of local improvement debentures the ratepayers share of the cost of certain local improvements mentioned in the said several by-laws are hereby as provided by *The Consolidated Municipal Act, 1903*, consolidated at the sum of $29,937.03 in the aggregate and it shall be lawful for the municipal corporation of the said Town of Smith's Falls to raise by way of loan on the security of the special rates imposed in the several by-laws named and on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued guaranteed by the said municipality at large from any person or persons or body corporate a sum or sums not exceeding in the whole the said sum of $29,937.03 exclusive of interest thereon.

Issue of debentures authorized.

5. For the purposes mentioned in section 4 hereof it shall be lawful for the Council of the Corporation of the Town

Town of Smith's Falls from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal signed by the Mayor and countersigned by the Treasurer for the time being of the said town in such sums not less than $100 each and not exceeding $29,-937.03 in the whole as said council may from time to time direct and the principal sum secured by said debentures and the interest accruing thereon may be made payable at such place or places as the said council may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

6. The said corporation may if it shall deem it expedient so to do from time to time borrow on the security of the debentures to be issued under the authority of this Act in the Dominion of Canada, Great Britain or elsewhere such sum as it may require for the purposes of retiring or paying off the debentures in section 2 of this Act mentioned or any of them and said floating indebtedness and for the purposes set out in section 4 of this Act and may hypothecate or pledge the said debentures to be issued under the authority of this Act or any of them as security for the money so borrowed when and upon such rate of interest as to the said corporation shall seem meet and may sell or dispose of the said debentures or any of them from time to time as the said corporation may deem expedient.

Payment of debentures and interest.

7. The said debentures authorized by this Act to be issued under the authority of section 3 of this Act, shall be payable in not more than forty years from the issue thereof, and the said debentures authorized by this Act to be issued under the authority of section 5 of this Act, shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four and one-half per cent. per annum, as the said corporation shall deem meet, and such interest may be made payable yearly, or half-yearly at the places mentioned therein and in the coupons attached thereto.

Payment of debt in equal annual instalments.

8. The debentures to be issued under section 3 of this Act shall be payable in each year for a period not exceeding forty years from the date of the issue thereof, and the debentures to be issued under section 5 of this Act shall be payable in each year for a period not exceeding twenty years from the date of the issue thereof, and so that the aggregate amount payable in respect of any debt contract-

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ed under this Act for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

9. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said Town of Smith's Falls for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903.*

3 Edw. VII., c. 19.

Inconsistent enactments not to apply.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, or to the said by-laws or debentures or any of them referred to in Section 1 of this Act, and no irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and a purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularity in form not to invalidate debentures.

63 Vict., c. 96, sec. 4 amended

12. Section 4 of *The Smith's Falls Act, 1900,* is amended by striking out the words "including in the said extensions branches therefrom to the line of street" and inserting in lieu thereof the words following "including in said extensions branches therefrom to line of street and also the corporation's share of the extensions constructed as a local improvement under section 5 of this Act."

Short title.

13. This Act may be cited as *"The Smith's Falls Act, 1905."*

SCHEDULE

SCHEDULE A.

(Section 1.)

List of By-laws providing for the issue of debentures passed by the Council of the Corporation of the Town of Smith's Falls at the respective dates set opposite each, the particulars of which are set out below.

PART I.

No. of By-law.	Title of by-law.	Date of passing.	Amount of debt.	To whom chargeable.	Period of payments.	Rate of interest.
573	By-law to raise by debenture the sum of $4,833, being part of the consolidated debt of the Town of Smith's Falls, under and by authority of "The Smith's Falls Act, 1899."	Dec'r. 30, 1902	$4,833 00	Town	35	4
605	By-law to provide for issue of debentures to pay the amounts chargeable against the corporation for the construction of certain sewers.	June 3, 1903	3,155 52	"	20	4
623	By-law to raise by debenture $5,000, being part of the consolidated debt of the Town of Smith's Falls, under and by authority of "The Smith's Falls Act, 1899."	Dec'r. 31 1903	5,000 00	"	35	4
639	By-law to raise by debentures the sum of $8,000 for the purchase of pumps for the water works of the Town of Smith's Falls.	Aug't. 15, 1904	8,000 00	"	30	4
650	By-law to raise by debentures $5,330, being part of the consolidated debt of the Town of Smith's Falls, under and by authority of "The Smith's Falls Act, 1899"	Dec'r. 29, 1904	5,330 00	"	35	4
660	By-law to provide for the issue of Local Improvement Debentures of the Corporation of the Town of Smith's Falls, to pay the amounts chargeable against the corporation for the construction of house service sewers	Jan'y. 23, 1905	759 59	"	20	4
665	By-law to provide for the issue of Local Improvement Debentures chargeable against the Corporation of the Town of Smith's Falls for the construction of certain granolithic sidewalks	March 6, 1905	5,040 58	"	20	4

667	By-law to provide for the issue of Local Improvement Debentures to pay the amounts chargeable against the corporation of the Town of Smith's Falls for the construction of certain sewers... .... March 6, 1905	18,985 37	"	20	4
668	By-law to provide for the issue of Local Improvement Debentures of the Corporation of the Twon of Smith's Falls to pay the amounts chargeable against the corporation for the construction of house service sewers... ... ...March 6, 1905	652 31	"	20	4
		$51,756 37			

PART II.

601	By-law to provide for the issue of Local Improvement Debentures of the Corporation of the Town of Smith's Falls in respect of certain sewers and the special assessments therefor..... ....June 1, 1903	7,784 42	Ratepayers	20	4
661	By-law to provide for the issue of Local Improvement Debentures of the Corporation of the Town of Smith's Falls in respect of certain house service sewers and the special assessments therefor. ....Jan'y. 23, 1905	3,614 60	"	20	4
664	By-law to provide for the issue of Local Improvement Debentures by the Corporation of the Town of Smith's Falls in respect of certain granolithic sidewalks and special assessments therefor..... ....March 6, 1905	7,522 61	"	20	4
666	By-law to provide for the issue of Local Improvement Debentures of the Corporation of the Town of Smith's Falls in respect to certain sewers and the special assessments therefor..... ....March 6, 1905	9,296 90	"	20	4
669	By-law to provide for the issue of Local Improvement Debentures of the Corporation of the Town of Smith's Falls in respect of certain house service sewers and the special assessment therefor... ....March 6, 1905	1,718 50	"	20	4
		$29,937 03			

CHAPTER

CHAPTER 77.

An Act respecting the Town of Southampton.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Municipal Corporation of the Town of Southampton has by petition represented that the said corporation has contracted certain debts for which debentures have been issued and on which the following balances still remain owing and unpaid, namely, the sum of $1,104 for the purpose of building a bridge, $1,564 bonus to Constant R. Vanstone in aid of the erection and operation of a chair factory; $10,000 loan to the Southampton Manufacturing Company, Limited; $1,460.52 for the purpose of purchasing a park; $6,636.86 for the purpose of erecting and improving schools; $4,412.52 for the purpose of constructing granolithic sidewalks over and above the amount to be repaid by frontage tax; and $24,822.10 for the construction and extension of a water works system; the balance of such debts owing and unpaid amounting in all to about $50,000; and whereas the said corporation has contracted a floating debt amounting to about $8,000, of which $6,226 is represented by a cash deficit determined by a special audit of the accounts and books of the said town to be due as of the 31st day of December, 1904; $883.33 in connection with the erection and completion of a new school; $491 in connection with granolithic sidewalks, and $400 in connection with permanent improvements on the waterworks plant of the said town, the last three items representing the excess of the cost over and above the amount originally estimated and provided therefor by the issue of debentures for each such purpose; and whereas the value of the whole rateable property of the said town according to the last revised assessment roll is $337,000, and the total debenture indebtedness of the said town is $53,267.26; and whereas the said corporation has prayed that an Act may be passed to consolidate the said floating debt and the existing debenture debt, and to authorize the issue of debentures therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Debt consolidated at $58,000.

1. It shall be lawful for the Corporation of the Town of Southampton, aforesaid, to raise by way of loan on the credit of the debentures to be issued under the authority of this Act from any person or persons or body corporate, a sufficient sum or sums to retire the said existing debenture debts and the floating debt in all amounting to $58,000 exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws providing for the issue of debentures under the corporate seal, signed by the Mayor and countersigned by the Treasurer for the time being, in such sums not less than $100 each and not exceeding in the aggregate $58,000, and payable at such places as the said corporation may deem expedient.

Power to borrow on or sell debentures

3. The said corporation may for the purpose herein mentioned raise money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as may be deemed expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty years from the issue thereof as the said corporation may direct. Coupons shall be attached to said debentures for the payment of the interest thereon and such interest shall be payable yearly at the places mentioned therein, and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding four per cent. per annum.

Term of debentures.

5. Any debt incurred under the authority of this Act shall be payable in thirty years at furthest from the date of the passing hereof, and shall be payable in equal annual instalments including principal and interest, in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal as nearly as may be to what is payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under

under this Act to be called the "Consolidated Debenture Rate"; and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation, firstly, in payment of the said floating debt to an amount not exceeding $8,000, and, secondly, in the redemption of the debentures of the Town of Southampton to the amount of $50,000, and in no other manner and for no other purposes whatsoever; and such debentures may be known as the "Consolidated Debt Debentures."

Retirement of outstanding debentures.

8. The Treasurer of the said Town shall on receiving instructions from the council so to do from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures; and shall discharge the same with the funds raised under the preceding sections of this Act; or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-law not to be repealed until debt satisfied.

9. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said Town of Southampton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *"The Consolidated Municipal Act, 1903."*

3 Edw. VII. C. 19.

Treasurer to keep proper books of account.

11. It shall be the duty of the Treasurer for the time being of the said Town to keep, and it shall be the duty of each of the members, from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the

the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Liability of Corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Southampton from any indebtedness or liability which may not be included in the said debt of the said Town of Southampton.

Form of debentures.

13. The said debentures issued under this Act may be in the form contained in Schedule "A" to this Act; and the by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Collection of sinking fund not required.

14. In case the by-law hereinbefore authorized is passed by the said council it shall not be necessary for the council of the said corporation to enforce collection of the sinking funds or amounts required to be levied for principal money to pay the said outstanding debentures.

Inconsistent enactments not to apply.

15. Any provision in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Management of Victoria Jubilee Park.

16. The management, regulation and control of a certain park in the said Town of Southampton known as the "Victoria Jubilee Park" and being composed of lots Numbers ten, eleven and twelve east of Breadalbane street; lots ten, eleven and twelve west of Breadalbane street, and lots ten, eleven and twelve west of Grey street; lots ten, eleven and twelve east of Victoria street, all in the said Town of Southampton, together with the management, regulation and control of such portions of all streets and lanes as are lying between any of the said lots or contiguous thereto, is hereby vested in the Corporation of the Town of Southampton,

ampton, instead of the Board of Park Commissioners for said Town.

Short title. **17.** This Act may be cited as *The Town of Southampton Debenture Act 1905*.

SCHEDULE A.

Debenture.

Province of Ontario, Town of Southampton.

No. $

Under and by virtue of the *Town of Southampton Debenture Act, 1905*, and By-law No. of the corporation of the Town of Southampton, passed under the provisions contained in the said Act, the corporation of the Town of Southampton promise to pay the bearer at in the the sum of on the day of A. D. , and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Southampton, in the County of Bruce, this day of A. D.

Mayor.
Treasurer.

SCHEDULE B.

By-law.

By-law No. To authorize the issue of Debentures under the authority of the *Town of Southampton Debenture Act, 1905*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not to exceed $58,000 in the whole as the corporation of the Town of Southampton may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of $, payable with interest thereon, at the rate of per centum, per annum, payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the said Town of Southampton, according to the last revised assessment roll of the said town, being for the year , was $.

Therefore the municipal corporation for the Town of Southampton enacts as follows:—

1. Debentures under the said Act and for the purposes mentioned therein to the extent of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per centum payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord.

CHAPTER

CHAPTER 78.

An Act to confirm By-law No. 11 of the Corporation of the Township of Stamford.

Assented to 25th May, 1905.

Preamble.

WHEREAS The Ontario Power Company, of Niagara Falls, has, by petition, represented that a certain by-law of the Corporation of the Township of Stamford, in the County of Welland, being by-law No. 11, and passed by the municipal council of the said township on the 10th day of October, 1904, should be confirmed and made in all respects legal and binding in accordance with the intent and meaning thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 11 fixing assessment of Ontario Power Company confirmed.

1. By-law No. 11, of the Municipal Corporation of the Township of Stamford, set forth as Schedule "A" to this Act, is legalized, confirmed and declared to be legal, valid and binding, notwithstanding anything in any Act contained to the contrary.

SCHEDULE "A."

BY-LAW No. 11.

A by-law relating to the assessment and taxation of the property of the Ontario Power Company.

Whereas the undertaking and the works of the Ontario Power Company are calculated to contribute materially to the prosperity and well-being of the ratepayers of the Municipality of the Township of Stamford, and it is expedient to grant the request of the said company to the council and fix the assessment of the property within the municipality as hereinafter set forth and the apportionment thereof as hereinafter set forth.

Be

Be it therefore enacted by the Municipal Council of the Township of Stamford for itself(its succesors and assigns, and it is hereby enacted that the annual assessment of all the real estate, property, franchise and effects of the Ontario Power Company, situate from time to time within the Municipality of the Township of Stamford, and used for the corporate purpose of the company, be and the same is hereby fixed at the sum of $100,000 apportioned as follows, namely:—$30,000 upon the gate houses, penstocks, inlets, inlet bridges and other principal works of the company situate in the Queen Victoria Niagara Falls Park, and $70,000 upon the other property of the said company situate in the said park or elsewhere in the said municipality for each and every year of the years 1904 to 1924 both years inclusive, and that the said company and its property in the municipality shall not be liable for any assessment or taxation of any nature or kind whatsoever beyond the amount to be ascertained in each such year by the application of the yearly rate levied by the municipal council in each such year to the said fixed assessment of $100,000 apportioned as aforesaid.

And be it further enacted that if the said company shall refuse to pay taxes on the above assessment in any of the years the corporation or any lawful authority on its behalf may, if the same are not paid within the time limited for the return of the collectors' roll, thereafter assess and collect taxes upon the said company and its property as if this by-law had not been passed.

And be it further enacted that this by-law and the provisions thereof shall come into full force and effect immediately after the municipality shall be authorized by sufficient legislative or other authority to pass the same.

Read a third time and passed the 10th day of October, 1904.

(Sgd.) JAMES DEPEW,
Reeve.

(Sgd.) J. E. JONES,
Clerk.

CHAPTER

CHAPTER 79.

An Act to confirm By-law No. 1129 of the City of Stratford, and a Conveyance of certain Lands and other property to the City of Stratford for Park purposes.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Municipal Council of the Corporation of the City of Stratford, The Board of Park Management of the said city, The Stratford Gas Company, and the Deacon Company, Limited, have by their petition represented that on the 10th day of December, 1904, the indenture set forth in Schedule "A" hereto was entered into between the several parties thereto, and that to provide the money consideration of $10,000 mentioned therein, together with the sum of $1,500 required for the purchase of other lands for park purposes, the said Municipal Council, on the requisition of the said Board of Park Management, passed its By-law No. 1129 set forth in Schedule "B" hereto, and that in pursuance of the said By-law, debentures have been issued as provided thereby; and whereas doubt exists as to the power of the said municipality to acquire in the manner attempted the property purporting to be conveyed to it by the said indenture, and in particular the water privilege mentioned therein, and doubt also exists as to the power of the said municipality to adopt as is purported to be done in and by the said indenture the contracts or agreements with the Stratford Gas Company, and the Deacon Company, Limited, referred to in the said indenture, and to enforce and to become bound by the said contracts or agreements, and it is desirable that such doubts should be removed; and whereas it is further represented by the said petition that it is desirable that so long as *The Public Parks Act* is in force in the said municipality The Board of Park Management thereof should have the power to enforce the said contracts and agreements on the part of the said municipality,

Rev. Stat. c.233.

cipality, and should assume the burden of performance thereof on the part of the said municipality, and should have all powers necessary for that purpose, and that all rents or other moneys derived therefrom should be applicable for park purposes and be under the control of the Board of Park Management; and whereas it is further desired by the said Municipal Council and by the Board of Park Management as represented by the said petition, that the said Board of Park Management should, so long as *The Public Parks Act* is in force in the said municipality, have power to enter into any further or other agreements with any person or persons in reference to the use of the said water privilege or in reference to the ice forming upon the said property or otherwise in reference to the said property so long as such further or other agreement is not in conflict with the terms of the existing agreements with the Stratford Gas Company and the Deacon Company, Limited, and is not inconsistent with the purposes for which the property has been acquired and to control and apply for park purposes any revenue so derived; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyance of lands and water privilege to City of Stratford confirmed.

1. The indenture set out in Schedule "A" to this Act is confirmed and declared legal and valid and the lands that the said indenture purports to convey to the Municipal Corporation of the City of Stratford together with the water privilege and all rights, easements and other matters appurtenant thereto are declared to have been thereby vested in the said corporation for park purposes.

By-law No. 1129 of City of Stratford confirmed

2. By-law No. 1129 of the City of Stratford set forth in Schedule "B" to this Act is confirmed and declared to have been valid from the time of the passing thereof and the debentures issued in pursuance of the said by-law are likewise confirmed and declared to be valid.

Agreements in Schedule "A" to be binding on City, and City empowered to enforce same.

3. The contracts or agreements referred to in the said indenture set out in Schedule "A" to this Act as having been entered into by the Stratford Gas Company and the Deacon Company, Limited, respectively, with former owners of the said lands are hereby declared to be binding upon the said Municipal Corporation, and the said Municipal Corporation is hereby declared to be entitled

entitled to enforce the said contracts or agreements against The Stratford Gas Company and the Deacon Company, Limited, respectively, and to receive from them respectively all rents and sums of money to become payable by either of the said companies under the terms of the said contracts or agreements, and there is hereby vested in the said municipal corporation all powers necessary for the performance and enforcement of the said contracts or agreements.

Rev. Stat. c. 223. Board of Park Management authorized to perform and enforce agreements on behalf of city.

4. So long as *The Public Parks Act* is in force in the said municipality the power to enforce the said contracts and agreements on the part of the said municipality and to enforce the payment of all rents and sums of money to become payable thereunder shall be vested in The Board of Park Management, but all such rents and sums of money shall nevertheless be paid into the hands of the City Treasurer, and the burden of the performance of the said contracts on the part of the said municipality shall be upon The Board of Park Management and there are hereby vested in the said Board of Park Management all powers necessary to the full and proper enforcement and performance of the said contracts or agreements.

Rev. Stat. c. 223. Board of Park Management authorized to enter into further agreements re use of water privilege, etc., and to collect rents for.

5. So long as *The Public Parks Act* is in force in the said municipality The Board of Park Management shall have power as and when the said board shall think fit to make and enter into any further or other agreements or contracts not inconsistent with the use of the said property as park property with any person or persons for the use by any such person or persons of the said water privilege or for the sale to or the use by any such person or persons of the ice forming upon the said property or any part thereof or otherwise in reference to the use and enjoyment of the said property or any part thereof and may receive and collect from any such person or persons all rents and sums of money to become payable under any such contract or agreement, and otherwise enforce the performance thereof: Provided always that no such contract or agreement shall be entered into by the said board in any way conflicting with the contracts or agreements hereinbefore referred to at present existing with The Stratford Gas Company and The Deacon Company, Limited, or in any way interfering with the rights acquired by either of the said companies under their respective agreements.

Proviso.

Rents collected by Board to be paid to City Treasurer and placed to credit of Park Fund.

6. All rents and sums of money to become payable by The Stratford Gas Company or by The Deacon Company, Limited, under their said respective contracts or agreements

or

or to become payable by any person or persons under any contract or agreement hereafter entered into by The Board of Park Management in respect of the said property, shall be paid into the hands of the Treasurer of the said municipality, but so long as *The Public Parks Act* is in force in the said municipality all such rents and sums of money shall be deposited by the said Treasurer to the credit of the park fund and shall be paid out by him on the orders of The Board of Park Management.

Rev. Stat. c. 233

Board of Park Management authorized to grant right of way over Park to C. P. Ry. Co.

7. Notwithstanding anything contained in subsection 2 of sec. 11 of *The Public Parks Act*, the Board of Park Management of the City of Sratford shall have power upon the request of the municipal council of the said city, and upon such terms as may be agreed upon between the said board and the said council and the Canadian Pacific Railway Company to grant a right of way for the tracks of the said railway company upon, over or through the lands conveyed to the said municipal corporation by the indenture set forth in Schedule "A" to this Act, subject always to the making of compensation to The Stratford Gas Company, and The Deacon Company, Limited, and any other persons injuriously affected thereby for the loss, injury or damage (if any) that they or any of them may suffer by reason of the granting of such right of way.

City Council to indemnify Board of Park Management for loss by granting of right of way.

8. The said municipal council may undertake with the said board of park management to indemnify the said board out of the general funds of the municipality for any loss of revenue or for any moneys the said board may become liable to pay by way of compensation or damages by reason of the granting of such right of way, and may raise any moneys required to satisfy any such undertaking either as part of the ordinary current expenditure of the municipality or upon debentures to be issued in the same manner and to be payable within the same time, and to be authorized by a by-law receiving the same approval by the ratepayers as is required in respect of a bonus granted in aid of a railway.

SCHEDULE "A"

Section 1

This indenture made in quadruplicate the tenth day of December in the year of our Lord one thousand nine hundred and four, between Victoria Lake Limited of the City of Stratford in the County of Perth, herein called the Vendors of the First Part, the Municipal Corporation of the City of Stratford, herein called the Vendees, of the Second Part, the Stratford Gas Company

Company, of the Third Part, and the Deacon Company, also of the City of Stratford, of the Fourth Part.

Whereas the Vendors are the owners of the mill privilege in the City of Stratford and of the lands herein described in the said city covered with water, and have agreed with the Vendees to sell and convey the same to the Vendees for the consideration herein mentioned, for the purposes of a park.

And whereas the Vendors acquired the said lands from one Malcolm MacFarlane subject to an agreement in writing made the second day of August, 1886, between the said Malcolm MacFarlane and the Stratford Gas Company in which it was agreed by and between the said Malcolm MacFarlane and the Stratford Gas Company, that the Stratford Gas Company, its successors and assigns, subject to the rights of the Stratford Water Supply Company to pump water from the river should have the first right to use the power of the said mill privilege to run electric light machinery, the said Malcolm MacFarlane retaining the use of the balance of the surplus power only, for the sum of $200 per annum for thirty-nine years from the fifteenth of July, 1886, payable half yearly, with the agreement that before the Stratford Gas Company should commence to use such power it should agree to pay such additional sum that might be agreed upon, and in case of their being unable to agree, then such additional sum was to be determined by arbitration as in such agreement provided.

And whereas such additional sum was afterwards decided by arbitration at $400 per annum, making a total of $600 per annum payable half yearly, and such annual sum of $600 has been duly by the Stratford Gas Company up to the fifteenth day of July last past.

And whereas such agreement further provided that the said Malcolm MacFarlane should not be bound to continue the property as a water power, but in the event of the dam not being built and maintained and the land used otherwise, payments under said agreement were to cease, and the said Malcolm MacFarlane might on giving the said Stratford Gas Company twelve months' notice, remove the dam and cease to reserve the water for power, but should continue to the Stratford Gas Company, its successors and assigns, for the balance of the said term of thirty-nine years, a lease of the lands upon which the said Company's works might be built, with sufficient land in addition adjoining same to erect steam power, at a rental to be agreed upon or determined by arbitration

And whereas the Vendors acquired the said property with and subject to all the rights and liabilities and covenants and every matter and thing contain ed in said agreement.

And whereas the Stratford Gas Company has acquired the lands upon which their works are erected contiguous to the said mill privilege and never acquired any lease or the property in connection therewith, and such mill privilege has ever since been maintained.

And whereas it has been agreed that together with the land and other property to be transferred and conveyed by the party of the first part to the party of the second part there shall also be assigned and transferred to the party of the second part the said contract and agreement with the party of the third part, and all rights, privileges, and other matters appertaining thereto, and that the party of the second part shall acquire and hold the said land subject to the terms of the said agreement, and shall in all respects stand in the same relation thereto as if they had been originally a party thereto in the place of the said Malcolm MacFarlane, and the party of the third part has agreed to join herein for the purpose of consenting to such transfer and to confirm the same, and to agree to be bound to the party of the second part as it had formerly been bound to the said Malcolm MacFarlane.

And whereas the rights of the Stratford Gas Company under said contract will expire on the fifteenth day of July, A.D. 1925, and it has been agreed that the Stratford Gas Company shall pay to the

Vendors

Vendors their rental up to the date of the execution and delivery hereof, and thereafter shall pay the same to the Vendees.

And whereas by an instrument in writing dated the sixteenth day of January, 1903, and made between the Vendors of the first part, and Royal Burritt and Frederick Ball Deacon both of the City of Stratford, Merchants, of the second part, the Vendors sold to the said Burritt and Deacon all the ice crop on Victoria Lake during the then present winter, and during the then next succeeding fourteen winters, at and for the price and sum of $400 for each season, payable as follows, that is to say, $200 on the first day of July and $200 on the first day of October in each succeeding year.

And whereas the Vendees are acquiring the said property together with and subject to the said contract, and all the rights and liabilities arising thereunder.

And whereas the Deacon Company acquired from the said Burritt and Deacon all their rights and privileges under the said agreement, and the said Deacon Company has agreed to join herein to consent to and confirm the transfer and assignment of said contract, to the party of the second part.

This indenture therefore witnesseth that in consideration of the sum of $10,000 of lawful money of Canada now paid by the party of the second part to the party of the first part the receipt whereof is hereby by it acknowledged, it the party of the first part doth grant onto the party of the second part in fee simple, all and singular, those certain parcels or tracts of land and premises situate lying and being in the City of Stratford, in the County of Perth, and Province of Ontario, being composed of firstly, those parts of the mill lands and of park lot number 590 and of lots numbers 101, 102, 103, 104, 105, and 106, in the Canada Company's Survey described as follows, that is to say:—Commencing at a stake planted on the north side of York Street at a point distant 118 1/2 feet due west from the south-westerly angle of lot number twelve in McCullochs' Mill Block Survey, thence due north 85 feet to a post, thence north 82 degrees east 120 7/10 feet to a post, thence parallel with the westerly boundary of lot number 12 aforesaid to a point distant 10 feet south of the high water mark of the waters of the mill dam, thence easterly and at the distance of 10 feet of the high water mark of the waters of the mill dam to the westerly limit of Wellesley Street, thence northerly along the westerly limit of said street to the high water meark of the waters of the mill dam, thence northerly in a straight line across the said mill dam to the south-easterly angle of lot number 106 aforesaid, thence north 31 degrees west along the easterly limit of said lot 106 to a point, distant 137 feet from the north-east angle thereof, thence south sixty degrees west 251 feet more or less to a stake planted on the north-west corner of the mill pond and distant 120 feet from St. Michael Street at right angles therefrom, thence north thirty-one degrees west 20 feet to a stake, thence south sixty-two degrees west 50 feet to a stake, thence south thirty-one degrees east 20 feet to a stake planted, thence south sixty-two degrees west 127 1/2 feet to a stake, planted at the distance of 20 feet from the westerly limit of lot number 101 aforesaid, thence north twenty-nine degrees west 120 feet more or less to the southerly limit of St. Michael Street, thence south 62 degrees west 20 feet to the north-east angle of lot number 100, thence south 29 degrees east along the easterly boundary of lot number 100 to the south-easterly angle thereof, thence on the same course 153 feet to a point in the river, thence south 69 1/4 degrees west 169 feet more or less to the easterly limit of Huron Street, thence southerly along the easterly limit of Huron Street to the north-westerly angle of York Street, thence due east along the north limit of York Street to the place of beginning, subject however to a right of way 20 feet wide from the river to St. Michael Street granted by Shields and Foster to A. W. Robb and Samuel Robb dated the 30th day of June, 1876, and registered in the Registry Office for the North

North Riding of the County of Perth in Book L for the City of Stratford as No. 7796, saving and excepting therefrom the lands conveyed to the Stratford Gas Company by Malcolm MacFarlane by deed dated the 14th of May 1887, and registered in the said Registry Office on the 16th day of May, 1887, as No. 15834, also excepting the lands conveyed to the Stratford Gas Company by Malcolm MacFarlane by deed dated the 2nd day of August, 1889, and registered in the said Registry Office on the 9th day of October, 1889, as No. 17234, also excepting the lands conveyed to the Stratford Gas Company by Malcolm MacFarlane by deed dated the 19th day of July, 1895, and registered in the said Registry Office on the 12th day of September, 1895, as No. 20045, and also excepting the lands and right of way conveyed to the Stratford Gas Company by Victoria Lake Limited by deed dated the 30th of August, 1902, and registered in the said Registry Office on the 23rd day of October, 1902, as No. 23035.

Secondly: All and singular the several pieces or parcels of land now covered or formerly covered or supposed to be covered by the waters of the Stratford mill dam, and which form part of the town plot of Stratford within the Canada Company's Survey of the said City of Stratford extending westerly from a line which runs parallel to the boundary line between lots numbers 47 and 48 in the first concession of the Township of North Easthope, at a distance from the said boundary line of two chains and twenty links west therefrom, and from thence down the river Avon on which is said mill dam to the easterly boundary of the land described in the deed of said mill property from the Canada Company to William Frederick McCulloch dated the 20th day of February, A.D. 1844, and having for its lateral bounds the water mark on each side of the said pieces or parcels of land between said first mentioned line and said last mentioned or easterly boundary indicated in the registered map of the Canada Company's Survey of the City of Stratford, containing 27 acres and 20 perches of land under the water, or formerly under the water of the said mill pond to the high water mark in all the bearings thereof and which are the lands conveyed to Adam Lind Argo by deed from the Canada Company bearing date the 15th day of July, 1875. Subject however to all such statutory and customary rights, titles or easements as may have theretofore been acquired or been granted by the said Canada Company to others in, to or out of, or over the said lands, or any part thereof, and saving and excepting thereout all the rights (if any) acquired by the City of Stratford in and to all that certain parcel or portion of said last mentioned parcel of land as is mentioned in By-law Number 191 of the said City of Stratford and appropriated by the said City of Stratford as and for the purpose of constituting a public bridge across said mill dam connecting Waterloo Street with Mary Street, and which said parcel contains by admeasurement 3 roods and nine sixteenths perches of land, be the same more or less, and which is more particularly described in the said by-law, and also save and except that portion of said land conveyed by William Mowat to Thomas Orr described as follows:—Commencing where a post has been planted at the north-east angle of town lot number 169 of the Canada Company's Survey, thence northerly in a straight line with the easterly limit of said lot number 169, the distance of 72 1/2 feet to a point, thence westerly parallel with the northerly boundary of said lot number 169 the distance of 155 feet to a point, thence southerly parallel with the said easterly boundary of lot number 169 the distance of 72 1/2 feet to the north-west angle of said lot 169, thence easterly along the northerly boundary of said lot 169 to the place of beginning, and being of partly dry land and partly land liable to be under water.

Together with all mills, houses, privileges and easements, right and title to the said lands, and premises, and the waters of the said mill dam, and to the land covered or formerly covered with the waters thereof which the said Adam Lind Argo or the party of the first part had in the same or any part thereof.

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To have and to hold unto the said party of the second part, its successors and assigns, to and for its and their sole and only use forever, subject nevertheless to the reservations, limitations and provisoes and conditions expressed in the original grant thereof from the Crown.

The party of the first part covenants with the party of the second part that it has the right to convey the said lands to the said party of the second part, notwithstanding any act of the said party of the first part.

And the said party of the second part shall have quiet possession of the said lands, free from all encumbrances.

And the said party of the first part covenants with the said party of the second part that it will execute such further assurances of the said lands as may be requisite.

And the said party of the first part covenants with the said party of the second part that it has done no act to encumber the said lands.

And the said party of the first part releases to the said party of the second part all its claim upon the said lands.

This indenture further witnesseth that the party of the first part in further consideration of the said sum of $10,000 hereby assigns, transfers and sets over unto the party of the second part its successors and assigns, the contract and agreement made between the party of the third part and one Malcolm MacFarlane, as hereinbefore recited and all subsequent agreements in relation to the matters dealt with therein, together with all rights, privileges sums of money, claims, demands, causes of action, and every other matter or thing, arising under or appertaining to the said contract or agreement, and the party of the second part assumes the burden of the said contract or agreement, and will at all times hereafter save harmless and indemnify the party of the first part from all loss, cost, damage or expense that may accrue through any default or breach of the party of the second part in connection therewith.

And the party of the third part hereby ratifies, and confirms the said agreement and the transfer thereof, and of the several matters aforesaid appertaining thereto, to the party of the second part and agrees to be bound to the party of the second part in respect thereof in like manner as it has heretofore been bound to the said Malcolm MacFarlane, and to the party of the first part, and the party of the third part hereby covenants and agrees severally with the parties of the first and second parts that it will join in an application to be made at the expense of the party of the second part, to the Legislature of the Province of Ontario, for an Act to ratify, legalize and confirm this indenture, and all that is attempted to be done hereby.

This indenture further witnesseth that the party of the first part, in consideration of the sum of $10,000, hereby assigns, transfers, and sets over unto the party of the second part, its successors and assigns, the contract and agreement made between the party of the first and fourth parts, as hereinbefore recited, together with all rights, privileges, sums of money, claims, demands, causes of action, and every other matter or thing arising under or appertaining to the said contract or agreement, and the said party of the second part assumes the burden of the said contract or agreement, and will at all times hereafter save harmless and indemnify the party of the first part from all loss, cost, damage, or expense that may accrue through any default or breach of the party of the second part in connection therewith.

And the party of the fourth part hereby ratifies and confirms the said agreement and the transfer thereof, and of the several matters aforesaid appertaining thereto, to the party of the second part, and agrees to be bound to the party of the second part in respect thereof in like manner as it has heretofore been bound to the party of the first part, and the party of the fourth part hereby covenants

covenants and agrees severally with the parties of the first and second parts that it will join in an application to be made at the expense of the party of the second part to the Legislature of the Province of Ontario, for an Act to ratify and legalize, and confirm this indenture and all that is attempted to be done hereby.

And the party of the second part covenants and agrees with the party of the third part to observe and carry out on its part all the covenants and agreements to be performed by the said Malcolm MacFarlane in said agreement contained.

And the party of the second part further covenants and agrees with the party of the fourth part to observe and carry out on its part, all the covenants and agreements to be performed by the party of the second part, contained in the said agreement between the parties of the second and fourth parts.

In witness whereof the parties hereto have hereunto set their corporate seals.

G. G. McPHERSON, President. (L.S.)
JOHN CORRIE, Vice-President. (L.S.)
Jos. D. MONTEITH, President. (L.S.)

Signed, sealed and delivered in the presence of
A. BAILEY.

SCHEDULE B.

(Section 2.)

By-law No. 1129 of the City of Stratford.

By-law authorizing the issue of Debentures for the purpose of Acquiring Property for a Park.

Whereas a by-law of the municipal council of the City of Stratford was passed on the eighteenth day of January, 1904, adopting in this municipality the *Public Parks Act*.

And whereas the sum of $11,500 is required for the purpose of acquiring lands and property for the purposes of a park, as appears by a special estimate for that purpose furnished by the Board of Park Management to the council.

And whereas it will require the sum of $575 annually for a period of twenty years to pay interest on the said debt, and the sum of $409.17 annually during said period for forming a sinking fund at four per cent. per annum for the payment of the debt created by this by-law, making in all the sum of $984.17.

And whereas it is necessary that such annual sum of $984.17 shall in each year during the said period be charged on the special rate mentioned in the 17th section of the said Act.

Be it therefore enacted by the municipal council of the said City of Stratford, pursuant to the provisions of the *Public Parks Act*:

1. That the Mayor of the said municipality may borrow on the credit of the said annual park fund rate as aforesaid and may issue park fund debentures of the corporation to that amount in sums not less than one hundred dollars each, and payable within twenty years from the date hereof, with interest at the rate of five per cent. per annum, that is to say, the said debentures to become payable at the expiration of twenty years from the date of the issue thereof, and interest to be payable thereon half-yearly on the first days of January and July in each year during the currency of the said debentures, such debentures to be payable at the office of the Treasurer of the said city in the City Hall Buildings, Stratford

ford and to have attached to them coupons for the payment of interest.

2. That during twenty years the sum of $575.00 shall be raised and retained annually for the payment of interest on the said debentures; and also the sum of $409.17 for the purpose of forming a sinking fund, to bear interest at four per cent. per annum, for the payment of the principal of the said loan of $11,500, in twenty years, making in all the sum of $984.17 to be raised and charged annually as aforesaid on the special park fund rate, unless the said debentures are sooner paid, for the purpose of paying the said sum of $11,500, with interest thereon as aforesaid.

Finally passed this 19th day of December, A. D. 1904.

J. D. HAMILTON,
Acting Mayor.

(L.S.)

R. R. LANG,
Clerk.

CHAPTER 80.

An Act respecting the Town of Sturgeon Falls.

Assented to 25th May, 1905.

Preamble

WHEREAS the Corporation of the Town of Sturgeon Falls has, by petition, represented that the said corporation has incurred a floating debt of $20,000 of which sum $1,500 was incurred in building and repairing bridges, and the balance in constructing waterworks and sewers, (being the amount expended on same, over and above the amount raised by way of debentures) and other public improvements of a permanent and necessary nature; and whereas the said corporation is desirous of providing money for the erection of a fire hall, lock-up and other necessary corporation buildings to the amount of $15,000, and to liquidate the said floating debt and erect the said buildings forthwith in addition to the ordinary annual expenditure and burdens would be unduly oppressive to the ratepayers; and whereas it appears by the said petition that the existing debenture debt of the municipal corporation of the Town of Sturgeon Falls amounts to $50,693.64 (and that no part of the principal and interest is in arrears) of which debenture debt the sum of $8,629.52 consists of public school debentures; and whereas the amount of the whole rateable property of the said Town of Sturgeon Falls, according to the last revised assessment roll of the said town, being for the year 1904, amounted to $1,220,569; and whereas the said corporation has prayed that an Act may be passed to authorize the said corporation to borrow $35,000, and to issue debentures for the purposes aforesaid and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Town authorized to borrow $35,000.

1. It shall be lawful for the said Corporation of the Town of Sturgeon Falls to raise by way of loan on the credit of the

the debentures of the said corporation, from any person or persons, body or bodies corporate, the sum of $35,000, to run for a period not exceeding thirty years from the date of the issue thereof, and to bear interest at five per cent. per annum.

Debentures, when payable.

2. The said debentures shall be made payable at such place or places as the municipal council of the said corporation may by by-law direct.

Term of debentures.

3. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special annual rate.

4. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures, hereinbefore authorized, and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the repayment of the said floating debt of $20,000, and in the erection of a fire hall, lock-up and other necessary municipal buildings, and for no other purposes whatsoever.

By-law not to be repealed until debt satisfied.

6. Any by-law passed under the provisions of this Act shall not be repealed until the debt created thereunder, and the interest thereon, shall have been fully paid and satisfied.

Assent of electors not required.

7. It shall not be necessary to obtain the assent of the electors of the said Town of Sturgeon Falls to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

3 Edw. VII., c. 19.

Treasurer to keep proper book of account.

8. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and

and particular statement, so that the same shall at all times, shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which may from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Inconsistent enactments not to apply.

9. Any provisions in *The Consolidated Municipal Act, 1903*, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or any by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or to be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

CHAPTER

CHAPTER 81.

An Act to confirm a By-law of the Township of Tilbury East.

Assented to 12th May, 1905.

Preamble. WHEREAS the Corporation of the Township of Tilbury East have by their petition shown that the Municipal Council of the Township of Tilbury East, in the County of Kent, on the 24th day of June, A. D. 1895, finally passed a by-law numbered fifteen of A.D. 1895, intituled "A by-law to provide for drainage works in the Township of Tilbury East, in the County of Kent, and for borrowing on the credit of the municipality the sum of $28,202, for completing the same," known as the Dauphin Drainage Works By-law; and that in pursuance of the provisions of the said by-law the said municipality procured to be constructed the "Dauphin Drainage Works," being drainage works in the said township in the said by-law referred to and described for the drainage by means of embanking and pumping of certain lots, parts of lots and roads of the said municipality fully set forth and described in the said by-law; and that for the purpose of providing funds for payment of the costs of the said drainage works the said corporation issued and sold thirty debentures of the said corporation, amounting in all to $28,202 running consecutively for periods of from one to thirty years, with interest coupons for payment of interest yearly, at the rate of five per centum per annum thereto attached, such debentures respectively being dated and issued on the twenty-fourth day of June, A. D. 1895, and being of such amounts and so payable respectively that the same, both as to principal and interest, should be paid and retired within the period of thirty years after the said date thereof by thirty annual payments, each of such payments being equal as nearly as may be to every other of such payments falling due and becoming payable on the twenty-fourth day of June in every year for thirty years during the currency of the said debentures or any of them and the last of such debentures and payments falling due on the 24th day of June, A. D.

1925; and that for the payment of the said debentures and interest in manner aforesaid it is provided by the said by-law that special yearly rates or assessments, in addition to all other rates, should be levied in the same manner and at the same time as taxes are levied in each year for the period of thirty years after the date of the passing of the said by-law, upon and from the said lots, parts of lots and roads of the said municipality, so to be drained as aforesaid, the special rates or assessments amounting yearly to the sum of $1,834.83; that on the 21st day of March, A. D. 1898, the Municipal Council of the Township of Tilbury East, in the County of Kent, finally passed a by-law No. 8 of A.D. 1898, intituled "A by-law to authorize the issue of four debentures of the Municipality of Tilbury East to retire and pay as they fall due four debentures of said municipality theretofore issued under the Dauphin Drainage Works By-law; and that pursuant to the provisions of *The Drainage Act, 1894*, and *The Municipal Amendment Act, 1898*, it was enacted by the said last mentioned by-law that the reeve of the said township was thereby authorized to issue four debentures of the corporation of the said township of Tilbury East for the sum of $1,834.60 each, for the purpose of paying and retiring, as they fall due, four of the said outstanding debentures for $468, $491, $515 and $542 respectively and the several interest coupons falling due, together with the said four debentures so outstanding, on the twenty-fourth day of June in the years 1898, 1899, 1900 and 1901 respectively, such debentures to be dated respectively the 24th day of June, A. D. 1898, the 24th day of June, A. D. 1899, the 24th day of June, A. D. 1900 and the 24th day of June, A. D. 1901, and to be payable respectively twenty-eight years after the dates thereof respectively, together with interest half yearly at the rate of four per centum per annum, on the 24th day of December and the 24th day of June in each year during the currency thereof respectively, the said debentures as to both principal and interest to be payable at the agency of The Canadian Bank of Commerce in the City of Chatham, Ontario, and to have attached to them coupons for the payment of interest; and that for the payment of the said four debentures and the half yearly interest coupons it was enacted that the several and respective yearly rates mentioned in columns 7, 8, 9, 10-B, 11, 12, 13 and 14 of the assessment schedule to the said by-law should over and above all other rates be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the lots and parts of lots and roads and lands of

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the said Municipality of Tilbury East in the said schedule set forth (being the lots and parts of lots and roads and lands of the said municipality assessed originally under the said Dauphin Drainage By-law for the construction of the said works) in the respective years mentioned or indicated in the said columns respectively; that a further sum has been raised annually by assessment upon the said lands for the purpose of pumping and maintenance; and that during the years 1902, 1903 and 1904 by reason of the excessive rainfalls and heavy floods in the locality of the said drainage works, the said annual assessment for pumping and maintenance has been altogether inadequate and insufficient to meet the requirements for said purposes; that in the spring of the year 1904 the waters from the river Thames overflowed its banks and damaged and destroyed portions of the embankments and works of the said Dauphin Drainage Works so that the said drainage works were unable to protect the said lands within the scheme of the said works from flooding and the owners of lands within the said scheme were unable to crop the said lands or to farm the same during the year 1904; and that owing to the damages to crops from the unusually heavy rainfall in the years 1902 and 1903 and the failure of crops in the year 1904 owing to the floods aforesaid the owners of lands within the said drainage works have been unable to provide for the payment of principal and interest falling due upon the said debentures for the year 1905 or the arrears for cost of maintenance and pumping accumulated during the years 1902, 1903 and 1904, and the collector of taxes has been unable to find sufficient distress upon the lands of many such owners to provide for the assessments falling due and cannot collect any of said special rates without entailing the greatest hardships upon the land owners; that the amount required to be raised under said By-law No. 15 of 1895 annually to pay the expenses of pumping and maintenance and other incidental expenses in connection with the said works is the sum of $250.47, which annual sum during the years 1902, 1903 and 1904 has been wholly inadequate for such purposes; that the amount required to be raised to pay the expenses of pumping and maintenance and other incidental expenses in connection with the said works for which the assessment levied for that purpose has been insufficient and the debenture falling due on June 24th, 1905, and the interest under said By-laws No. 15 of 1895 and No. 8 of 1898, the special rates for which were required to be raised under the said By-laws No. 15 of 1895 and No. 8 of 1898 in the year 1904, which special rates the collector has been unable to collect as aforesaid,

is as nearly as can be estimated the sum of $8,200.00; and that the annual amount which will be required to be raised by special yearly rates or assessments in addition to all other rates for the payment of five debentures issued by the said corporation for the purpose of providing funds for the payment of the said sum of $8,200.00, running consecutively for periods of from one to five years, with interest yearly at the rate of five per centum per annum, will be the sum of $1,893.90; that the said corporation have deemed it to be inexpedient and impracticable to continue to levy and collect from the lots and parts of lots and roads aforesaid the special rates and assessments required to be levied and collected during the years 1905, 1906, 1907, 1908 and 1909, being the sum of $2,128.64 annually, in addition to the annual cost of pumping and maintenance, and at the same time to levy and collect an additional sum of $1,893.90, required as aforesaid to pay off the sum of $8,200.00 in five years, but the said corporation desire to pay off the sum of $8,200.00 by five annual instalments as aforesaid and for that purpose deem it advisable to issue and sell debentures of the Corporation of the Township of Tilbury East for the sum of $8,200.00, so as to pay off the said indebtedness in five consecutive annual instalments, including principal and interest extending over such five years of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and to issue five debentures of the corporation of the said Township of Tilbury East for the sum of $2,128.64 each for the purpose of paying and retiring as they fall due five of the said outstanding debentures for $692.00, $726.00, $762.00, $800.00 and $841.00 respectively, on the 24th day of June, 1906, 1907, 1908, 1909 and 1910, and the several interest coupons falling due, together with the said five outstanding debentures and under said By-law No. 8 of 1898, on the 24th day of December and the 24th day of June, from the 24th day of December, A. D. 1905, to the 24th day of June, A. D. 1910, inclusive, such debentures to be dated the 24th day of June, A. D. 1906, 1907, 1908, 1909 and 1910 respectively and to be payable respectively twenty-four years after the date thereof respectively, together with interest half yearly at the rate of four and one-half per centum per annum, on the 24th day of December and June in each year during the currency thereof respectively, and also to make better provision for the cost of pumping and maintenance; and that the owners of lands assessed within the said drainage scheme have petitioned

tioned for relief and are willing and anxious for the relief in the manner herein prayed for; and that with the object and for the purpose aforesaid the council of the said corporation on the 14th day of March, A.D., 1905, finally passed a by-law set forth in Schedule "A" hereto; and whereas the said corporation by its petition has prayed that an Act may be passed to confirm the said by-law and to authorize the issue and sale of debentures thereunder and to validate the debentures to be issued under said by-law and the assessments provided for by the said by-law; and whereas it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 15 of 1905 of Township of Tilbury East confirmed.

1. By-law No. 15 of 1905, of the Municipal Corporation of the Township of Tilbury East set forth in Schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or otherwise; and the corporation of the Township of Tilbury East is hereby authorized and empowered to issue debentures as provided by the said by-law, and the debentures so to be issued under the said by-law are hereby declared to be valid and binding upon the said municipality; and the said corporation of the Township of Tilbury East is authorized and empowered to levy and collect from the various lots and parts of lots and roads of the municipality mentioned and described in the said by-law the several yearly special rates and assessments mentioned and described in the said by-law; and the said corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said by-law No. 15 of 1905 and the issue and sale of debentures thereunder.

SCHEDULE "A".

By-law No. 15, of 1905.

A by-law to authorize the issue of debentures of the Municipality of the Township of Tilbury East to provide for the existing debt of the Dauphin Drainage Works for maintenance and for debentures unpaid and to retire and pay as they fall due five debentures of said municipality heretofore issued under the Dauphin Drainage Works By-laws.

Finally passed this fourteenth day of March, A.D. 1905.

Whereas on the twenty-fourth day of June, A.D. 1895, the Municipal Council of the Township of Tilbury East in the County of Kent finally passed a by-law numbered fifteen, of A.D. 1895, entitled "A by-law to provide for Drainage Works in the Township of Tilbury

Tilbury East, in the County of Kent, and for borrowing on the credit of the municipality the sum of twenty-eight thousand two hundred and two dollars for completing the same, and known as the Dauphin Drainage Works By-law."

And whereas in pursuance of the provisions of the said by-law the said municipality procured to be constructed the "Dauphin Drainage Works" being drainage works in the said township in the said by-law referred to and described, for the drainage by means of embanking and pumping of certain lots, parts of lots and roads of the said municipality fully set forth and described in the said by-law and being the lots, parts of lots and roads of the said municipality mentioned and described in the second enacting clause of this by-law.

And whereas for the purpose of providing funds for payment of the costs of the said drainage works, the said corporation issued and sold thirty debentures of the said corporation amounting in all to $28,202.00 running consecutively for periods of from one to thirty years with interest coupons for payment of interest yearly at the rate of five per centum per annum thereto attached such debentures respectively being dated and issued on the twenty-fourth day of June, A.D. 1895, and being of such amounts and so payable respectively that the same both as to principal and interest should be paid and retired within the period of thirty years after the said date thereof by thirty annual payments each of such payments being equal as nearly as may be to every other of such payments falling due and becoming payable on the twenty-fourth day of June in every year for thirty years, during the currency of the said debentures or any of them and the last of such debentures and payments falling due on the 24th day of June, A.D. 1925.

And whereas for the payment of the said debentures and interest in manner aforesaid it is provided by the said by-law that special yearly rates or assessments in addition to all other rates should be levied in the same manner and at the same time as taxes are levied in each year for the period of thirty years after the date of the passing of the said by-law upon and from the said lots, parts of lots and roads of the said municipality so to be drained as aforesaid the said special rates or assessments amounting yearly to the sum of $1,834.83.

And whereas on the twenty-first day of March, A.D. 1898, the Municipal Council of the Township of Tilbury East in the County of Kent finally passed a By-law No. 8, of A.D. 1898, entitled "A by-law to authorize the issue of four debentures of the Municipality of Tilbury East to retire and pay as they fall due four debentures of said municipality heretofore issued under the Dauphin Drainage Works By-law."

And whereas pursuant to the provisions of "The Drainage Act, 1894," and "The Municipal Amendment Act, 1898," it was enacted by the said last mentioned by-law that the Reeve of the said township was thereby authorized to issue four debentures of the Corporation of the purpose of paying and retiring, as they should fall due, four of the said Township of Tilbury East for the sum of $1,834.60 each for the said outstanding debentures for $468.00, $491.00, $516.00 and $542.00 respectively and the several interest coupons falling due together with the said four debentures so outstanding, on the twenty-four day of June in the years 1898, 1899, 1900 and 1901 respectively, such debentures to be dated respectively the 24th day of June, A.D. 1898, the 24th day of June, A.D. 1899, the 24th day of June, A.D. 1900, and the 24th day of June A.D. 1901, and to be payable respectively twenty-eight years after the dates thereof respectively, together with interest half yearly at the rate of four per centum per annum on the 24th day of December and the 24th day of June in each year during the currency thereof respectively, the said debentures as to both principal and interest to be payable at the agency of The Canadian Bank of Commence in the City

City of Chatham, Ontario, and to have attached to them coupons for the payment of interest.

And whereas for the payment of the said four debentures and the half yearly interest coupons it was enacted that the several respective yearly rates mentioned in columns 7, 8, 9, 10-B, 11, 12, 13 and 14 of the assessment schedule to the said by-law should over and above all other rates be assessed, levied and collected, (in the same manner and at the same time as other taxes are levied and collected) upon and from the lots and parts of lots and roads and lands of the said Municipality of Tilbury East in the said schedule set forth (being the lots and parts of lots and roads and lands of the said municipality assessed originally under the said Dauphin Drainage By-law for the construction of the said works) in the respective years mentioned or indicated in the said columns respectively.

And whereas a further sum has been raised annually by assessment upon the said lands for the purpose of pumping and maintenance.

And whereas during the years 1902, 1903 and 1904 by reason of the excessive rainfalls and heavy floods in the locality of the said drainage works, the said annual assessment for pumping and maintenance has been altogether inadequate and insufficient to meet the requirements for said purposes.

And whereas in the spring of the year 1904 the waters from the River Thames overflowed their banks and damaged and destroyed portions of the embankments and works of the said Dauphin Drainage Works so that the said Drainage Works were unable to protect the said lands within the scheme of the said works from flooding and the owners of lands within the said scheme were unable to crop the said lands or to farm the same during the year 1904.

And whereas owing to the damage to crops from the unusually heavy rainfall in the years 1902 and 1903 and the failure of the crops in the year 1904 owing to the floods aforesaid the owners of lands within the said drainage works have been unable to provide for the payment of principal and interest falling due upon the said debentures for the year 1905 or the arrears for cost of maintenance and pumping accumulated during the years 1902, 1903 and 1904 and the collector of taxes has not been able to find sufficient distress upon the lands of many such owners to provide for the assessments falling due and cannot collect any of said special rates without entailing the greatest hardship upon the said land owners.

And whereas the amount required to be raised under said By-law No. 15, of 1895, annually to pay the expenses of pumping and maintenance and other incidental expenses in connection with the said works, is the sum of $250.47, which annual sum during the years, 1902, 1903 and 1904 has been wholly inadequate for such purposes.

And whereas it is desirable that the owners within the meaning of The Drainage Act, 1894, of the said lots, parts of lots and roads of the said municipality should be relieved from payment of the said yearly rates so required by the said by-laws to be levied and collected in each of the years 1905, 1906, 1907, 1908 and 1909, until after the last or fourth of the said yearly rates or assessments has been levied and collected as required by the said By-law No. 8, of 1898.

Therefore, the said Municipal Council of the said Township of Tilbury East enacts as follows :—

1. That the Reeve of the said township is hereby authorized to issue Five Debentures of the Corporation of the said Township of Tilbury East for the sum of $2,128.64 each for the purpose of paying and retiring as they fall due five of said outstanding debentures for $692.00, $726.00, $762.00, $800.00 and $841.00 respectively on the 24th day of June, 1906, 1907, 1908, 1909 and 1910 and the several interest coupons falling due together with the said five outstan ding

standing debentures and the interest coupons under said By-law No. 8, of 1898, falling due on the 24th day of December, and the 24th day of June, in each year, from the 24th day of December, A.D. 1905, to the 24th day of June, 1910, inclusive, such debentures to be dated the 24th day of June, A.D. 1906, the 24th day of June, A.D. 1907, the 24th day of June, A.D. 1908, the 24th day of June, A.D. 1909, and the 24th day of June A.D. 1910, and to be payable respectively twenty-four years after the date thereof, respectively together with interest half yearly at the rate of four and one-half per centum per annum on the 24th day of December and the 24th day of June in each year during the currency thereof respectively, the said debentures to be payable at the agency of The Canadian Bank of Commence in the City of Chatham, and to have attached to them coupons for the payment of interest.

2. That for the purpose of paying the said five debentures hereby authorized to be issued and the half-yearly interest coupons to be attached thereto as they severally fall due the several and respective yearly special rates mentioned in columns 8a, 9a, 10a, 11a, 12c, 13c, 14c, 15c, 16c, 17, 18, 19, 20 and 21, of the following assessment schedule shall over and above all other rates be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the lots and parts of lots and roads and lands of the said Municipality of Tilbury East in the said schedule set forth (being the lots and parts of lots and roads and lands of the said municipality assessed originally under the said Dauphin Drainage By-law for the construction of the said works) in the respective years mentioned or indicated in the said columns respectively.

3. For paying the sum of $8,200.00 the amount required to be raised to pay the expenses of pumping and maintenance and other incidental expenses in connection with the said works for which the assessment levied for that purpose has been insufficient, and the debentures falling due June 24th, 1905; and the interest under said By-laws No. 15, of 1895, and No. 8, of 1898, the special rates for which were required to be raised under the said By-laws Nos. 15, of 1895, and 8, of 1898, in the year 1904, which special rates the collector has been unable to collect as aforesaid, the Reeve of the said township is hereby authorized to issue five debentures of the corporation to that amount in sums of not less than $50 each and payable within five years from the date thereof with interest at the rate of five per centum per annum, such debentures to be payable at the agency of The Canadian Bank of Commerce at Chatham, and to have attached to them coupons for the payment of interest.

4. That notwithstanding anything to the contrary in the said Dauphin Drainage Works By-laws contained, the said lots, parts of lots and the said roads and lands of the said municipality are hereby exempted from payment of any of the special rates required by the said Dauphin Drainage Works By-laws, No. 15, of 1895, and No. 8, of 1898, to be levied thereon in the year 1904, for which the collector has been unable to collect the same and in the years 1905, 1906, 1907, 1908 and 1909, or any of them, and that the only special rates to be levied under the provisions of the said Dauphin Drainage By-laws upon the said lots, parts of lots and the said roads of the said municipality for or towards the redemption of the debentures heretofore issued and now outstanding and interest thereon under the provisions of the said by-laws are those set forth in columns 12, 12b, 13a 7b, 14a 7b, 15a and b, and 16a and b, of the said schedule attached to this by-law, and the said special rates so set forth in columns 12a and b, shall be hereafter levied and collected in manner set forth in the said Dauphin Drainage By-law in combination with the rates mentioned in column 12c of the said schedule as shown in column 12d of the said schedule, in each and every year for fifteen years as indicated in the said column 12d, and the said special rates so set forth in parts a and b of columns 123, 14, 15, and 16 respectively shall be levied and collected in combination with the

rates

rates mentioned in part c of each of the said columns as shown in part d of said columns in the years 1925, 1926, 1927 and 1928 respectively.

5. That the respective special rates mentioned in columns 8a, 9a, 10a, 12c, 13c, 14c, 15c, 16c, 17, 18, 19, 20 and 21 of the said schedule as hereinbefore provided shall be levied and collected in substitution for the said special rates required by the said several Dauphin Drainage Works By-laws to be levied in the said years 1905, 1906, 1907, 1908 and 1909.

6. For paying the said five debentures authorized by the third paragraph hereof to be issued and the interest coupons to be attached thereto as they severally fall due, the several and respective yearly special rates mentioned in columns 7, 8b, 9b, 10b and 11b, of the following assessment schedule shall over and above all other rates be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the lots and parts of lots and roads and lands of the said Municipality of Tilbury East in the said schedule set forth (being the lots and parts of lots and roads and lands of the said municipality assessed originally under the said Dauphin Drainage By-law for the construction of the said works) in the respective years mentioned or indicated in the said columns respectively.

7. Before the completion of the collector's roll for each and every year the Clerk shall ascertain the amount of the expenditure for pumping, maintenance and incidental expenses in connection with the said drainage scheme paid by the Treasurer of the Corporation of the Township of Tilbury East since the last previous assessment and he is hereby authorized and instructed to assess and levy the same pro rata upon the lands and roads in any way assessed for the said drainage work according to the assessment thereof for construction or maintenance and the assessment so made shall be placed upon the said roll and the same shall over and above all other rates be assessed and levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the lots and parts of lots and roads and lands of the said Municipality of Tilbury East in the said schedule set forth (being the lots and parts of lots and roads and lands of the said Municipality assessed originally under the said Dauphin Drainage By-law for the construction of the said works) in each and every year unless or until such assessment is varied or otherwise determined from time to time by the report and assessment of an Engineer or surveyor for the maintenance of the drainage work, or in appeal therefrom by the award of arbitrators or order of the referee.

8. That portion of By-law No. 15, of 1895, providing for the raising of $250.47 each year to meet the annual expenses of pumping, maintenance and incidental expenses is hereby repealed and special rates mentioned in the last preceding paragraph shall be assessed levied and collected in lieu thereof.

9. This by-law shall come into force and effect from and after the final passing thereof.

(Sd.) WM. HICKEY, Reeve.

(L.S.)

(Sd.) ALEX. FARQUHARSON, Clerk.

Number.	1 Concession.	2 Lot or part of Lot.	3 Acres.	4 Owners.	5 Assessment under By-law No. 15 of A. D. 1895 for construction.	6 Annual Assessment during each year for 30 years, commencing with A.D. 1895, under By-law No. 15 of 1895.	7 A.	7 B. Annual Assessment for Repairs and arrears of pumping provided for by this By-law to be levied in 1905.	7 C.
					$ c.	$ c.		$ c.	
1	Front	Lot 1	219	R. C. E. Corporation	2,663 46	173 28		178 77	
2	"	N. pt. of 2	128	John Larsh	1,467 72	95 49		98 57	
3	"	S. ½ 2	108	G. T. R. R.	1,419 12	92 33		95 30	
4	"	E. ½ 3	95	L. Dauphin	1,034 10	67 26		69 45	
5	"	W. ½ 3	97	Narcisse Dauphin, sr	1,060 38	68 98		71 21	
6	"	E. ½ 4	99	Narcisse Dauphin, jr	1,086 66	70 69		72 97	
7	"	W. ½ 4	102	Bernard Daly	1,126 08	73 27		75 63	
8	"	N. pt. 5	100	Jacques estate	1,099 80	71 55		73 86	
9	"	Pt. s. G. T. R. 5	49	Estate of A. D. McLean	643 86	41 89		43 24	
10	"	S. e. pt. 5	49	D. G. Fleming	643 86	41 89		43 24	
11	"	S. w. cor. 5	1	Henry Smith	13 14	86		89	
12	"	E. pt. 6	6	Jacques estate	36 00	2 34		2 42	
13	"	2nd pt. 6	2	F. Reaume	12 00	78		81	
14	"	3rd pt. 6	22	Louis Trudell	132 00	8 59		8 87	

1		2	3	4	5	6	7		
Number.	Concession.	Lot or part of Lot.	Acres.	Owners.	Assessment under By-law No. 15 of A. D. 1895 for construction.	Annual Assessment during each year for 30 years, commencing with A.D. 1896, under By-law No. 15 of 1895.	A.	B. Annual Assessment for Repairs and arrears for pumping provided for by this By-law to be levied in 1905.	C.
					$ c.	$ c.		$ c.	
15	Front	3rd pt. 6	24	Chas. I. Bissette	144 00	9 37	.....	9 67	.....
16	"	S. w. pt. 6	24	Noah Peltier	144 00	9 37	.....	9 67	.....
17	2	S. e. pt. 6	64	P. D. McKellar	840 96	54 71	.....	56 47	.....
18	2	S. w. pt. 6	64	Thos. S. Gladstone and wife	840 96	54 71	.....	56 47	.....
19	2	Part e. creek, 7	50½	Claude Beaune	420 81	27 37	.....	28 26	.....
20	3	Lot 2	48	Fred. R. Mitchell	630 72	41 03	.....	42 35	.....
21	3	" 3	138	P. D. McKellar	1,813 32	117 98	.....	121 79	.....
22	3	" 4	147	P. D. McKellar	1,931 58	125 67	.....	129 75	.....
23	3	N. e. 5	121	Thos. C. S. Mackieu	1,589 94	103 44	.....	106 78	.....
24	3	N. cor. 6	14	Jno. E. Brooks	183 96	11 97	.....	12 35	.....
25	3	" 7	1 35	Jno. E. Brooks	17 74	1 16	.....	1 20	.....
26	4	" 1	25	P. D. McKellar	328 50	21 37	.....	22 06	.....
27	4	Remainder n. creek, 1	93	J. Ramey	1,222 02	79 50	.....	82 06	.....
28	4	Pt. N. of creek, 2	107	Laura Burwell	1,405 98	91 47	.....	94 42	.....

29	4	" 3	59	Harry Forbes	775 26	50 44		52 06	
30	4	N. cor. 4	6	John R. Russell	78 84	5 13		5 29	
31	4	Next pt. 4	8	John W. Scott	108 41	7 06		7 28	
32	4	" 4	5	Jno. E. Brooke	72 27	4 70		4 85	
33	4	N. w. pt. e. ½ 4	7	W. D. Graham	91 98	5 99		6 18	
34	4	N. w. pt. 4	18	Fred. R. Mitchell,	236 52	15 39		15 89	
35	4	N. pt. 5	9	S. S. Johnston	118 26	7 70		7 94	
36	3	Pt. of n. pt. 6	16.40	Corporation of Tilbury, East	215 50	14 03		14 48	
				Total in Lands	25,649 71	1,668 78		1,722 50	
1	Roads cons	3 & 4 from Lot 1 to 5	15	Corporation of Tilbury, East	197 10				
2	River roads	" " 1 to 5	14	" " "	900 00				
3	Road cons	2 & 3 " 4 to 7	9	" " "	900 00				
4	Road cons	1 & 2 " 5 to creek	6	" " "	55 19				
5	Side road	6&7 from creek to G.T.R.	8	" " "	445 00				
6	Bridge and culvert	(1-5)		" " "	55 00				
				Roads of municipality	2,552 29	166 05		171 40	
				Total Assessment	28,202 00	1,834 83		1,893 90	

Number.	8			9			10			11		
	A.	B	C	A	B	C	A	B	C	A	B	C
	Interest for 1 year on 1st postponed debenture to be issued under this By-law, to be levied in 1906.	Annual assessment for repairs and arrears of pumping, provided for by this By-law.	Total assessment for 1906.	Interest for 1 year on first two debentures to be issued under this By-law, to be levied in 1907.	Annual assessment for repairs and arrears of pumping, provided for by this By-law.	Total assessment for 1907.	Interest for 1 year on first three debentures to be issued under this By-law, to be levied in 1908.	Annual assessment for repairs and arrears of pumping, provided for by this By-law.	Total assessment for 1908.	Interest for 1 year on first four debentures to be issued under this By-law, to be levied in 1909.	Annual assessment for repairs and arrears of pumping, provided for by this By-law.	Total assessment for 1909.
1	9 05	178 77	187 82	18 10	178 77	196 87	27 15	178 77	205 92	36 20	178 77	214 97
2	4 99	98 57	103 56	9 98	98 57	108 55	14 97	98 57	113 54	19 96	98 57	118 53
3	4 82	95 30	100 12	9 64	95 30	104 94	14 46	95 30	109 76	19 28	95 30	114 58
4	3 51	69 45	72 96	7 02	69 45	76 47	10 53	69 45	79 98	14 04	69 45	83 49
5	3 60	71 21	74 81	7 20	71 21	78 41	10 80	71 21	82 01	14 40	71 21	85 61
6	3 69	72 97	76 66	7 38	72 97	80 35	11 07	72 97	84 04	14 76	72 97	87 73
7	3 83	75 63	79 46	7 66	75 63	83 29	11 49	75 63	87 12	15 32	75 63	90 95
8	3 74	73 86	77 60	7 48	73 86	81 34	11 22	73 86	85 08	14 96	73 86	88 82
9	2 19	43 24	45 43	4 38	43 24	47 62	6 57	43 24	49 81	8 76	43 24	52 00
10	2 19	43 24	45 43	4 38	43 24	47 62	6 57	43 24	49 81	8 76	43 24	52 00
11	04	89	93	08	89	97	12	89	1 01	16	89	1 05
12	12	2 42	2 54	24	2 42	2 66	36	2 42	2 78	48	2 42	2 90
13	04	81	85	08	81	89	12	81	93	16	81	97
14	45	8 87	9 32	90	8 87	9 77	1 35	8 87	10 22	1 80	8 87	10 67

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Number.	12 — Annual Assessment during each year for 15 years commencing with A.D. 1910 and ending with A.D. 1924.				13 — Assessments to be levied in A.D. 1925.				14 — Assessments to be levied in A.D. 1926.			
	A	B	C	D	A	B	C	D	A	B	C	D
	Annual Assessment made by By-law No. 15 of 1895.	Int. yearly at 4% on 4 Debs. issued under By-law No. 8 of 1898.	Int. yearly at 4½% on 5 Debs. issued under this By-law.	Total yearly rates.	To redeem 1st Deb. issued under By-law 8 of 1898.	Int. for 1 year at 4% on 4 Debs. issued under By-law 8 of 1898	Int. yearly at 4½% on 5 Debs. issued under this By-law.	Total.	To redeem 1st Deb. issued under By-law 8 of 1898.	Int. for one year at 4% on 3 Debs. issued under By-law 8 of 1898.	Int. yearly at 4½% on 5 Debs. issued under this By-law.	Total.
1	173 38	27 73	45 25	246 26	173 28	27 73	45 25	246 26	173 28	20 79	45 25	239 32
2	95 49	15 29	24 95	135 73	95 49	15 29	24 95	135 73	95 49	11 46	24 95	131 90
3	92 33	14 78	24 10	131 21	92 33	14 78	24 10	131 21	92 33	11 10	24 10	127 53
4	67 28	10 76	17 55	95 59	67 28	10 76	17 55	95 59	67 28	8 07	17 55	92 90
5	68 98	11 04	18 00	98 02	68 98	11 04	18 00	98 02	68 98	8 28	18 00	95 26
6	70 69	11 31	18 45	100 45	70 69	11 31	18 45	100 45	70 69	8 49	18 45	97 63
7	73 27	11 72	19 15	104 14	73 27	11 72	19 15	104 14	73 27	8 79	19 15	101 21
8	71 55	11 45	18 70	101 70	71 55	11 45	18 70	101 70	71 55	8 58	18 70	98 83
9	41 89	6 70	10 95	59 54	41 89	6 70	10 95	59 54	41 89	5 04	10 95	57 88
10	41 89	6 70	10 95	59 54	41 89	6 70	10 95	59 54	41 89	5 04	10 95	57 88
11	86 86	14	20	1 20		14	20	1 20	86		20	1 15
12	2 34	38	60	3 32	2 34	38	60	3 32	2 34	27	60	3 21
13	78	13	20	1 11	78	13	20	1 11	78	09	20	1 07
14	8 59	1 38	2 25	12 22	8 59	1 38	2 25	12 22	8 59	1 02	2 25	11 86

15	9 37	1 50	2 45	13 32	9 37	1 50	2 45	13 32	9 37	1 11	2 45	12 93
16	9 37	1 50	2 45	13 32	9 37	1 50	2 45	13 32	9 37	1 11	2 45	12 93
17	54 71	8 75	14 30	77 76	54 71	8 75	14 30	77 76	54 71	6 57	14 30	75 58
18	54 71	8 75	14 30	77 76	54 71	8 75	14 30	77 76	54 71	6 57	14 30	75 58
19	27 37	4 38	7 15	38 90	27 37	4 38	7 15	38 90	27 37	3 30	7 15	37 82
20	41 03	6 57	10 70	58 30	41 03	6 57	10 70	58 30	41 03	4 92	10 70	56 65
21	117 98	18 89	30 80	167 67	117 98	18 89	30 80	167 67	117 98	14 16	30 80	162 94
22	125 67	20 12	32 80	178 59	125 67	20 12	32 80	178 59	125 67	15 09	32 80	173 56
23	103 44	16 56	27 00	147 00	103 44	16 56	27 00	147 00	103 44	12 42	27 00	142 86
24	11 97	1 92	3 10	16 99	11 97	1 92	3 10	16 99	11 97	1 44	3 10	16 51
25	1 16	19	30	1 65	1 16	19	30	1 65	1 16	15	30	1 61
26	21 37	3 42	5 60	30 39	21 37	3 42	5 60	30 39	21 37	2 58	5 60	29 55
27	79 50	12 73	20 75	112 98	79 50	12 73	20 75	112 98	79 50	9 54	20 75	109 79
28	91 47	14 65	23 90	130 02	91 47	14 65	23 90	130 02	91 47	10 98	23 90	126 35
29	50 44	8 07	13 15	71 66	50 44	8 07	13 15	71 66	50 44	6 06	13 15	69 65
30	5 13	82	1 35	7 30	5 13	82	1 35	7 30	5 13	60	1 35	7 08
31	7 06	1 13	1 85	10 04	7 06	1 13	1 85	10 04	7 06	84	1 85	9 75
32	4 70	75	1 20	6 65	4 70	75	1 20	6 65	4 70	57	1 20	6 47
33	5 99	96	1 55	8 50	5 99	96	1 55	8 50	5 99	72	1 55	8 26
34	15 39	2 46	4 00	21 85	15 39	2 46	4 00	21 85	15 39	1 86	4 00	21 25
35	7 70	1 23	2 00	10 93	7 70	1 23	2 00	10 93	7 70	93	2 00	10 63
36	14 03	2 24	3 65	19 92	14 03	2 24	3 65	19 92	14 03	1 68	3 65	19 36
	1,668 78	267 10	435 65	2,371 53	1,668 78	267 10	435 65	2,371 53	1,668 78	200 31	435 65	2,304 74
1												
2												
3												
4												
5												
6												
	166 05	26 58	43 35	235 98	166 05	26 58	43 35	235 98	166 05	19 95	43 35	229 35
	1,834 83	293 68	479 00	2,607 51	1,834 83	293 68	479 00	2,607 51	1,834 83	220 26	479 00	2,534 09

Number.	15 Assessments to be levied in A. D., 1927				16 Assessments to be levied in A. D., 1928				17 Assessments to be levied in A. D., 1929		
	A	B	C	D	A	B	C	D	A	B	C
	To redeem first Debenture issued under By-law 8 of 1898.	Interest for one year at 4% on two Debentures issued under By-law 8 of 1898.	Interest yearly at 4½% on five Debentures issued under this By-law.	Total.	To redeem first Debenture issued under By-law 8 of 1898.	Interest for one year at 4% on one Debenture issued under By-law 8 of 1898.	Interest yearly at 4½% on five Debentures to be issued under this By-law.	Total.	To redeem first Debenture to be issued under this By-law.	Interest for one year at 4½% on five Debentures to be issued under this By-law.	Total.
1	17,328	1,386	4,525	23,239	17,328	693	4,525	22,546	20,101	4,525	24,626
2	9,549	764	2,495	12,808	9,549	382	2,495	12,426	11,078	2,495	13,573
3	9,333	740	2,410	12,383	9,332	370	2,410	12,013	10,711	2,410	13,121
4	6,728	538	1,755	9,021	6,728	269	1,755	8,752	7,804	1,755	9,559
5	6,898	552	1,800	9,250	6,898	276	1,800	8,974	8,002	1,800	9,802
6	7,069	566	1,845	9,480	7,069	283	1,845	9,197	8,200	1,845	10,045
7	7,327	586	1,915	9,828	7,327	293	1,915	9,535	8,499	1,915	10,414
8	7,155	572	1,870	9,597	7,155	286	1,870	9,311	8,300	1,870	10,170
9	4,189	336	1,095	5,620	4,189	168	1,095	5,452	4,859	1,095	5,954
10	4,189	336	1,095	5,620	4,189	168	1,095	5,452	4,859	1,095	5,954
11	86	06	20	112	86	03	20	109	103	20	120
12	234	18	60	312	234	09	60	303	272	60	332
13	78	06	20	104	78	03	20	101	91	20	111
14	859	68	225	1,152	859	34	225	1,118	997	225	1,222
15											

15	937	74	245	1,256	937	37	245	1,219	1,087	245		1,332
16	937	74	245	1,256	937	37	245	1,219	1,087	245		1,332
17	5,471	438	1,430	7,339	5,471	219	1,430	7,120	6,346	1,430		7,776
18	5,471	438	1,430	7,339	5,471	219	1,430	7,120	6,346	1,430		7,776
19	2,737	220	715	3,672	2,737	110	715	3,562	3,175	715		3,890
20	4,103	328	1,070	5,501	4,103	164	1,070	5,337	4,760	1,070		5,830
21	11,793	944	3,080	15,822	11,798	472	3,080	15,350	13,687	3,080		16,767
22	12,567	1,006	3,280	16,853	12,567	503	3,280	16,350	14,579	3,280		17,859
23	10,344	828	2,700	13,872	10,344	414	2,700	13,458	12,000	2,700		14,700
24	1,197	96	310	1,603	1,197	48	310	1,585	1,389	310		1,699
25	116	10	30	156	116	05	30	151	135	30		165
26	2,137	172	560	2,869	2,137	86	560	2,783	2,479	560		3,039
27	7,950	636	2,075	10,661	7,950	318	2,075	10,343	9,223	2,075		11,298
28	9,147	732	2,390	12,269	9,147	366	2,390	11,903	10,612	2,390		13,002
29	5,044	404	1,315	6,763	5,044	202	1,315	6,561	5,851	1,315		7,166
30	513	40	135	688	513	20	135	668	595	135		730
31	706	56	185	947	706	28	185	919	819	185		1,004
32	470	38	120	628	470	19	120	609	545	120		665
33	599	48	155	802	599	24	155	778	695	155		850
34	1,539	124	400	2,063	1,539	62	400	2,001	1,785	400		2,185
35	770	62	200	1,032	770	31	200	1,001	893	200		1,093
36	1,403	112	365	1,880	1,403	56	365	1,824	1,627	365		1,992
	160,878	13,354	43,565	223,797	166,878	6,677	43,565	217,120	193,588	43,565		237,153
1												
2												
3												
4												
5												
6												
	16,605	1,330	4,335	22,270	16,605	605		21,605	19,263	4,335		23,598
	183,483	14,684	47,900	246,067	183,483	7,342		238,725	212,851	47,900		260,751

30 s.

1

Number.	18				19				20				21			
	Assessments to be levied in A.D. 1930				Assessments to be levied in A.D. 1931.				Assessments to be levied in A.D. 1932.				Assessments to be levied in A.D. 1933.			
	To redeem 1st Deb. to be issued under this By-law.	Interest for 1 year at 4½% on 4 Debentures to be issued under this By-law.		Total.	To redeem 1st Debenture to be issued under this By-law.	Interest for 1 year at 4½% on 3 Debentures to be issued under this By-law.		Total.	To redeem 1st Debenture to be issued under this By-law.	Interest for 1 year at 4½% on 2 Debentures to be issued under this By-law.		Total.	To redeem 1st Debenture to be issued under this By-law.	Interest for 1 year at 4½% to be issued under this By-law.		Total.
	A	B	C		A	B	C		A	B	C		A	B	C	
	$ c.	$ c.		$ c.	$ c.	$ c.		$ c.	$ c.	$ c.		$ c.	$ c.	$ c.		$ c.
1	201 01	36 20		237 21	201 01	27 15		228 16	201 01	18 10		219 11	201 01	9 05		210 06
2	110 78	19 96		130 74	110 78	14 97		125 75	110 78	9 98		120 76	110 78	4 99		115 77
3	107 11	19 28		126 39	107 11	14 46		121 57	107 11	9 64		116 75	107 11	4 82		111 93
4	78 04	14 04		92 08	78 04	10 53		88 57	78 04	7 02		85 06	78 04	3 51		81 55
5	80 02	14 40		94 42	80 02	10 80		90 82	80 02	7 20		87 22	80 02	3 60		83 62
6	82 00	14 76		96 76	82 00	11 07		93 07	82 00	7 38		89 38	82 00	3 69		85 69
7	84 99	15 32		100 31	84 99	11 49		96 48	84 99	7 66		92 65	84 99	3 83		88 82
8	83 00	14 96		97 96	83 00	11 22		94 22	83 00	7 48		90 48	83 00	3 74		86 74
9	48 59	8 76		57 35	48 59	6 57		55 16	48 59	4 38		52 97	48 59	2 19		50 78
10	48 59	8 76		57 35	48 59	6 57		55 16	48 59	4 38		52 97	48 59	2 19		50 78
11	1 00	16		1 16	1 00	12		1 12	1 00	08		1 08	1 00	04		1 04
12	2 72	48		3 20	2 72	36		3 08	2 72	24		2 96	2 72	12		2 84
13	91	16		1 07	91	12		1 03	91	08		99	91	04		95
14	9 97	1 80		11 77	9 97	1 35		11 32	9 97	90		10 87	9 97	45		10 42

15	10 87	1 96	12 83	10 87	1 47	12 34	10 87	98	11 85	10 87	49	11 36
16	10 87	1 96	12 83	10 87	1 47	12 34	10 87	98	11 85	10 87	49	11 36
17	63 46	11 44	74 90	63 46	8 58	72 04	63 46	5 72	69 18	63 46	2 86	66 32
18	63 46	11 44	74 90	63 46	8 58	72 04	63 46	5 72	69 18	63 46	2 86	66 32
19	31 75	5 72	37 47	31 75	4 29	36 04	31 75	2 86	34 61	31 75	1 43	33 18
20	47 60	8 56	56 16	47 60	6 42	54 02	47 60	4 28	51 88	47 60	2 14	49 74
21	136 87	24 64	161 51	136 87	18 48	155 35	136 87	12 32	149 19	136 87	6 16	143 03
22	145 79	26 24	172 03	145 79	19 68	165 47	145 79	13 12	158 91	145 79	6 56	152 35
23	120 00	21 60	141 60	120 00	16 20	136 20	120 00	10 80	130 80	120 00	5 40	125 40
24	13 89	2 48	16 37	13 89	1 86	15 75	13 89	1 24	15 13	13 89	62	14 51
25	1 35	24	1 59	1 35	18	1 53	1 35	12	1 47	1 35	06	1 41
26	24 79	4 48	29 27	24 79	3 36	28 15	24 79	2 24	27 03	24 79	1 12	25 91
27	92 23	16 60	108 83	92 23	12 45	104 68	92 23	8 30	100 53	92 23	4 15	96 38
28	106 12	19 12	125 24	106 12	14 34	120 46	106 12	9 56	115 68	106 12	4 78	110 90
29	58 51	10 52	69 03	58 51	7 89	66 40	58 51	5 26	63 77	58 51	2 63	61 14
30	5 95	1 08	7 03	5 95	81	6 76	5 95	54	6 49	5 95	27	6 22
31	8 19	1 48	9 67	8 19	1 11	9 30	8 19	74	8 93	8 19	37	8 56
32	5 45	96	6 41	5 45	72	6 17	5 45	48	5 93	5 45	24	5 69
33	6 95	1 24	8 19	6 95	93	7 88	6 95	62	7 57	6 95	31	7 26
34	17 85	3 20	21 05	17 85	2 40	20 25	17 85	1 60	19 45	17 85	80	18 65
35	8 93	1 60	10 53	8 93	1 20	10 13	8 93	80	9 73	8 93	40	9 33
36	16 27	2 92	19 19	16 27	2 19	18 46	16 27	1 46	17 73	16 27	73	17 00
	1,935 88	348 52	2,284 40	1,935 88	261 39	2,197 27	1,935 88	174 26	2,110 14	1,935 88	87 13	2,023 01
1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	192 63	34 68	227 31	192 63	26 01	218 64	192 63	17 34	209 97	192 63	8 67	201 30
	2,128 51	383 20	2,511 71	2,128 51	287 40	2,415 91	2,128 51	191 60	2,320 11	2,128 51	95 80	2,224 31

CHAPTER.

CHAPTER 82.

An Act respecting the Town of Toronto Junction.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Municipal Corporation of the Town of Toronto Junction has by petition represented that By-law No. 580 of the municipal council of the said town was duly passed on the 31st day of March, 1905, providing for certain exemption from general taxation (not including school rates, local improvement rates or assessments, or sewer rental payable to the City of Toronto), to John MacKay, trustee, and his assigns in respect of a meat and pork packing industry and allied industries to be established by the said John MacKay or his assigns at the said Town of Toronto Junction and the lands and business in connection therewith and fixing for limited periods the assessment of the said lands, industries and business over and above the assessment of the Union Stock Yards Company, Limited, provided for by certain agreements entered into between the said Company and the said Municipal Corporation and sanctioned by a certain Act passed in the 63rd year of Her Majesty's reign, Chapter 103, and by a certain Act passed in the 2nd year of His Majesty's reign, Chapter 66; and providing also among other things and on the terms set out in the said by-law for a supply of water for the said industries from the town waterworks system; and whereas an agreement dated the 31st day of March, 1905, as provided for in said by-law has been executed by the said Municipal Corporation and the said John MacKay; and whereas it has been represented by the said petition that it is desirable to treat with the said John MacKay and his assigns in respect of the said matters by an agreement separate from the agreements with the said Union Stock Yards Company, Limited, and the said Municipal Corporation has prayed that the said by-law and agreement be authorized, ratified and confirmed; and whereas it is expedient to grant the prayer of the said petition:

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 580 of the Town of Toronto Junction and agreement set out in Schedules A. & B. confirmed.

1. By-law No. 580 of the said Municipal Corporation of the Town of Toronto Junction, printed as Schedule "A" hereto and the agreement dated the 31st day of March, 1905, between the said Corporation and the said John MacKay printed as Schedule "B" hereto are hereby authorized, ratified and confirmed, and the said Corporation is hereby declared to have had the power to pass the said by-law and to enter into the said agreement.

SCHEDULE A.

BY-LAW No. 580.

By-law in reference to granting exemption from taxation to John MacKay, Esquire.

Passed the 31st March, 1905.

Whereas by by-law No. 444 the corporation did among other things grant to the Western Stock Market Company, its successors and assigns, and to such kindred industries as the said company might induce to locate in the Town of Toronto Junction as set out by the said by-law exemptions from general municipal taxation and other inducements (not including school rates, local improvement rates or sewer rental payable to the City of Toronto) for a period of thirty years from and after the going into effect of the said by-law in the manner set forth in the said by-law.

And whereas the said by-law and the agreement entered into by the said Western Stock Market Company with the corporation was ratified by an Act of the Legislature, being chapter 123 of 63 Victoria.

And whereas the said Western Stock Market Company assigned the said agreement and its rights thereunder and under the said by-law to the Union Stock Yards Company, Limited, and the Corporation By-law No. 502 and agreement dated the sixth day of May, 1901, ratified the substitution of the Union Stock Yards Company, Limited, for the Western Stock Market Company, Limited.

And whereas the said by-law and agreement were ratified by the Act of the Legislature, being chapter 66 of 2, Edward Seventh, and the time for the exemption from taxation provided for in said agreement and by-laws was extended so as to expire at the end of thirty years from the first day of January, 1903.

And whereas the said Union Stock Yards Company, Limited, have induced John MacKay, Trustee, to locate in the Town of Toronto Junction, a meat and pork packing industry with allied industries and has agreed to convey to the said John MacKay, Trustee, his heirs and assigns, five acres of lands upon which said industries may be located.

And whereas the said John MacKay, Trustee, has requested that he and his assigns be supplied with water for the said undertakings for the purposes of the said industries from the town's waterworks system on the terms and conditions hereafter set out and that he and his assigns be granted a fixed assessment as hereafter more particularly set out, both of which requests have been acceded to by the said corporation.

And whereas the said fixed assessment hereby authorized and granted and the taxation to be levied in respect thereto, shall be

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in addition to and not form a part of the assessment to be made against the Union Stock Yards Company, Limited, and its industries and the taxation to be levied in respect thereto under and in accordance with the above recited by-laws and agreement.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Toronto Junction as follows:—

1. That the said land to be acquired by the said John MacKay, Trustee, being more particularly known and described as:—All and singular that part of block A. Plan 1196 for the Town of Toronto Junction, more particularly described as commencing on the west limit of Albany Road at the south-east angle of said block A; thence north along the westerly limit of said Albany Road three hundred feet; thence west parallel with south limit of said block A, seven hundred and twenty-six feet; thence south three hundred feet to the south limit of said block A; thence east along the said south limit of block A, seven hundred and twenty-six feet to the place of beginning, together with such contiguous land not more than one acre as may be acquired for the said industries, and all buildings, plants, erections and improvements now on the said lands or hereafter to be erected or put thereon, and the undertakings to be established by the said John MacKay, Trustee, or his assigns, and the said John MacKay, Trustee, and his assigns, in respect thereof shall be and they are hereby exempted from general municipal taxation (not including school rates, local improvement rates or assessment, or sewer rental payable to the City of Toronto) for the period of the unexpired portion of the said thirty years from the date of this by-law, namely, until the thirty-first day of December, A.D. 1932, and no longer. Provided that the exemption hereby granted shall not extend to dwelling houses erected on the said lands or any portion thereof nor to the land immediately used and enjoyed with said dwelling houses.

2. That the assessment of and in connection with the said lands and industries be and the same is hereby fixed at the sum of $25,000.00 yearly for the period of ten years beginning with 1906 and ending with 1915, both inclusive, at the sum of $50,000.00 yearly for the period of ten years beginning with the year 1916 and ending with the year 1925, both inclusive, and at the sum of $75,000.00 yearly for each of the seven years, 1926 to 1932, both inclusive, but no longer. Provided that the assessment hereby fixed shall not form a part of the assessment of the Union Stock Yards Company, Limited, or its kindred industries as provided for and in pursuance to any of the various by-laws and agreements between the corporation and the said Union Stock Yards Company, Limited.

3. That the corporation will, during the said period of the unexpired portion of the said thirty years from the date of this by-law supply the said John MacKay, Trustee, or his assigns, with water required by him or them for the carrying on of the said undertaking for the town waterworks system, except in the case of unavoidable accidents remedied without delay at a price hereby fixed as an equivalent to the actual cost of production for ten years from the commencement of the consumption of said water up to an annual consumption of said water of twenty-five million gallons of $300.00 per annum, and in respect of a consumption in excess of twenty-five million gallons per annum at the cost to the corporation of pumping, such cost not to exceed the maximum of five cents per one thousand gallons, and after the expiration of the said ten years at a price equivalent to the actual cost of pumping but not to exceed the sum of five cents per one thousand gallons for all water consumed, which said prices are hereby fixed as prices equivalent to the actual cost of production. Provided that the said John MacKay, trustee, or his assigns shall provide and place in position at his or their own expense, to the satisfaction of the corporation's Superintenden

tendent of Waterworks, a water meter on the line of the water pipes or mains through which the water is supplied by the corporation to the said undertaking, and shall bear the expense of keeping the said meter continuously in proper working order, the said meter to be under the control of the said Superintendent, but subject to the inspection by the said John MacKay, trustee, or his assigns, or his or their properly authorized agents, at any time with the said superintendent. And provided that the said John MacKay, trustee, or his assigns shall pay to the said corporation for the said water supply at the aforesaid rates, according to quarterly or half-yearly accounts to be rendered by the corporation to the said John MacKay, trustee, or his assigns, along with the general accounts for water rates owing to the corporation, and in default of payment the corporation shall have all the remedies that it is entitled to under its by-laws respecting waterworks and water services within the corporation.

4. Provided that if the said John MacKay, trustee, assigns his rights hereunder or in respect of the said land or undertakings the said assigns shall upon executing the necessary contract of substitution be substituted for the said John MacKay, trustee, and the said John MacKay, trustee, shall thereupon have no further rights or liabilities hereunder and the said assigns shall be entitled to all rights and privileges hereby granted and such rights, privileges and liabilities shall thereafter enure to the benefit of and be obligatory upon the owners for the time being of the said industries upon the execution by them of the necessary contract of substitution.

5. Provided that the said John MacKay, trustee, shall enter into an agreement with this corporation, covenanting and agreeing to carry out the terms of his said requests and of this by-law, provided, however, that neither this by-law nor the agreement to be executed in pursuance hereto, shall come into force or take effect unless or until an Act is passed by the Ontario Legislature confirming the same.

6. The mayor and clerk of the corporation are hereby authorized to sign and attach the corporate seal to the agreement with said John MacKay, trustee, in accordance with the terms of this by-law and in form satisfactory to the corporation's solicitor.

J. C. SMITH,
Mayor.
W. J. CONRON,
Clerk.

SCHEDULE B.

This agreement, made this 31st day of March, 1905, between the Corporation of the Town of Toronto Junction, hereinafter called the "Corporation," of the First Part; and John MacKay, of the City of Toronto, in the County of York, Investment Broker, hereinafter called John MacKay, Trustee, of the Second Part.

Whereas it is provided in and by by-law number 580 of the said corporation that an agreement be entered into between the parties hereto in respect of the matters set out in the said by-law.

Now therefore this agreement witnesseth that the said corporation and the said John MacKay, trustee, for themselves, their successors and assigns hereby mutually agree as follows:—

1. The corporation will grant exemption from general municipal taxation (not including school rates, local improvement rates or assessment, or sewer rental payable to the City of Toronto) for the period commencing from the date of this by-law until the thirty-first day of December, A.D. 1932, and no longer in respect of the land and premises to be acquired by the said John MacKay, trustee, or his assigns, at the Town of Toronto Junction, and being described

described as follows, that is to say:—All and singular that part of block A, plan 1196, for the Town of Toronto Junction, more particularly described as commencing on the west limit of Albany Road at the south-east angle of said block A, thence north along the westerly limit of said Albany Road three hundred feet; thence westerly parallel with south limit of said block A, seven hundred and twenty-six feet; thence south three hundred feet to the south limit of said block A, thence east along the said south limit of block A seven hundred and twenty-six feet to the place of beginning, together with such contiguous land not exceeding one acre, as may be acquired for the said industries, and all buildings, plants, erections, and improvements now on the said lands or hereafter to be erected or put thereon, and the undertakings to be established by the said John MacKay, trustee, or his assigns, and the said John MacKay, trustee, and his assigns, in respect thereof; provided that the exemption hereby granted shall not extend to dwelling houses erected on the said lands or any portion thereof, nor to the land immediately used and enjoyed with said dwelling houses.

2. That the assessment of and in connection with the said lands and industries be and the same is hereby fixed at the sum of $25,000.00 yearly for the period of ten years, beginning with 1906 and ending with 1915, both inclusive, at the sum of $50,000.00 yearly for the period of ten years, beginning with the year 1916 and ending with the year 1925, both inclusive, and at the sum of $75,000.00 yearly for each of the seven years, 1926 to 1932, both inclusive, but no longer. Provided that the assessment hereby fixed shall not form a part of the assessment of the Union Stock Yards Company, Limited, or its kindred industries as provided for and in pursuance to any of the various by-laws and agreements between the corporation and the said Union Stock Yards Company, Limited.

3. That the corporation will, during the period of the unexpired portion of the thirty years referred to in the said by-law, namely, up to the 31st day of December, 1932, supply the said John MacKay, trustee, or his assigns with water required by him or them for the carrying on of the said undertakings from the town waterworks system, except in the case of unavoidable accidents remedied without delay at a price hereby fixed as an equivalent to the actual cost of production for ten years from the commencement of the consumption of said water up to an annual consumption of said water of twenty-five million gallons of $300.00 per annum and in respect of a consumption in excess of twenty-five million gallons per annum at the cost to the corporation of pumping, such cost not to exceed the maximum of five cents per one thousand gallons, and after the expiration of the said ten years at a price equivalent to the actual cost of pumping, but not to exceed the sum of five cents per one thousand gallons for all water consumed, which said prices are hereby fixed as prices equivalent to the actual cost of production. Provided that the said John MacKay, trustee, or his assigns shall provide and place in position at his or their own expense, to the satisfaction of the Corporation's Superintendent of Waterworks, a water meter on the line of the water pipes or mains through which the water is supplied by the corporation to the said undertaking, and to bear the expense of keeping the said meter continuously in proper working order, the said meter to be under the control of the said Superintendent, but subject to the inspection by the said John MacKay, trustee, or his assigns or his or their properly authorized agents, at any time with the said Superintendent. And provided that the said John MacKay, trustee, or his assigns, shall pay to the said corporation for the said water supply at the aforesaid rates, according to quarterly or half yearly accounts to be rendered by the corporation to the said John MacKay, trustee, or his assigns, along with the general accounts for water rates owing to the corporation, and in default of payment the corporation shall have all the remedies that it is entitled to under

der its by-laws respecting waterworks and water services within the corporation.

4. Provided that if the said John MacKay, trustee, assigns his rights hereunder or in respect of the said land or undertakings, the said assigns shall, upon executing the necessary contract of substitution, be substituted for the said John MacKay, trustee, and the said John MacKay, trustee, shall thereupon have no further rights or liabilities hereunder and the said assigns shall be entitled to all rights and privileges hereby granted and such rights, privileges, and liabilities shall thereafter enure to the benefit of and be obligatory upon the owners for the time being of the said industries upon the execution by them of the necessary contract of substitution.

5. Neither this agreement nor the said by-law shall be binding or come into force or take effect unless or until an Act is passed by the Legislative Assembly of the Province of Ontario authorizing, ratifying and confirming the same in the form in which the said by-law was passed and this agreement executed or with such alterations as may be accepted by the said John MacKay, trustee, or his assigns; provided that this agreement shall be absolutely null and void and the said by-law shall not come into force or take effect unless such ratification as aforesaid takes place not later than at the session of the said Legislative Assembly following the present session thereof.

In witness whereof the said corporation has hereunto set its seal attested by the proper officers in that behalf and the said John MacKay, trustee, has hereunto set his hand and seal the day and year first above mentioned.

[Corporate seal of the Town of Toronto Junction.]

Witness:—
W. M. Douglas.

J. C. Smith,
Mayor.
W. J. Conron,
Clerk.
John MacKay.

CHAPTER

CHAPTER 83.

An Act respecting the City of Toronto.

Assented to 25th May, 1905.

Preamble. WHEREAS the Municipal Corporation of the City of Toronto has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas no objections have been made to any of the by-laws referred to in Schedule "A" hereto; and whereas no opposition has been offered to the confirmation of the said by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therfore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Power to straighten Don River. **1.** In view of the necessity which exists for straightening the Don River from the Grand Trunk Railway bridge southerly, either to Ashbridge's Bay or to the channel connecting the river with the Toronto Bay, or to the open lake, the said corporation shall have power and authority, and they are hereby authorized and empowered—

(1) To enter upon, take, use and acquire all lands and land covered by water which, or a portion of which, may be convenient or necessary for straightening the Don River, or doing any work pertaining thereto, and to divert the said river into the said straightened channel and to perform all work necessary to such diversion.

(2) To contract with the owners, tenants and occupiers of or other person interested in the lands which the said corporation is hereby authorized to take, or any or all of them, for the purchase of the said lands or any part thereof, or interest therein, either by paying therefor in cash, or by the exchange of other lands in lieu thereof, or partly in one way

way and partly in another, as to the said corporation and said owners, tenants or occupiers, or persons interested may seem proper.

(3) In case of a disagreement between the said corporation and the owners, tenants or occupiers of, or other persons interested in any lands entered upon, taken, or used by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of such powers as to the amount of purchase money of such lands, or any part thereof, or interest therein, or as to the claim for compensation made by such person, every such disagreement and claim shall be settled and determined by arbitration under the provisions of *The Municipal Act* in force at the time such proceedings may be taken.

Power to raise $200,000 by debentures.

2. For any of the purposes aforesaid, and also for improving the lands belonging to the said corporation in and around Ashbridge's Bay, the council of the said corporation may, after having submitted the same to and having received the assent of the ratepayers qualified to vote on money by-laws, pass such by laws as may be necessary to raise a sum not exceeding $200,000 therefor, and may issue any number of debentures necessary to raise the said amount payable in this Province or elsewhere in sums of not less than $100 each, which may be requisite and necessary therefor, which debentures shall be payable within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly; and for the purpose of redeeming such debentures and paying the interest thereon; the council of the said corporation may, in any by-law or by-laws to be passed authorizing any such loan or loans or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all rateable real and personal property in the said city over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity. Any income derived from the lands so taken or from lands granted to the city by the Patent of the 18th of May, 1880, and known as the "Marsh Lands" shall be applied for the purpose of paying the interest on and redeeming such debentures and for repaying any amount or amounts therof that have been paid as above provided for out of general taxation until the whole amount paid out of general

eral taxation has been satisfied and such income shall be taken into account in estimating from time to time the rate to be raised as aforesaid. Provided, however, that nothing herein contained shall be construed as prejudicing or affecting the provisoes and conditions contained in the said patent, save and except that the principal and interest of the said debentures shall be a first charge upon the rents and profits of the said "marsh lands," and provided further that nothing herein contained shall affect the rights of parties in any litigation now pending or deprive any person of riparian rights, if any, in land not expropriated.

Power to sell electrical energy or light on Island.

3. The said corporation may sell electrical energy in that part of the city known as the "Island", generated or produced from their Water Works System upon the Island, or light developed thereby or therefrom to residents and others desiring to use the same upon the Island and may pay for the machinery and appliances necessary in generating, producing and distributing such electrical energy, or debentures for any sum not exceeding $40,000, payable over a period of twenty years, or may include the cost thereof not exceeding $40,000, in the estimates for the year in which the same may be made and expended; any by-law or by-laws for raising the said money by said debentures need not be submitted to the ratepayers qualified to vote on money by-laws before the same is passed by the council.

Grant of $5,000 to South African Memorial Association.

4. The council of the said municipal corporation may pass a by-law or by-laws to make a grant not exceeding $5,000 towards the fund of the South African Memorial Association, and may include the same in the estimates of any year, or partly in one year and partly in another so long as the sum raised does not exceed $5,000.

4 Edw. VII., c. 70, s. 2 amended.

5. Section 2 of the Act passed in the fourth year of the reign of His Majesty and Chaptered 70, is amended by striking out the word "eleven" in the seventh line and substituting the word "twenty-four" in lieu thereof.

By-laws validated.

6. The by-laws of the Corporation of the City of Toronto, specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

SCHEDULE

SCHEDULE A.

	Nature of Work under By-law.	When passed by by Council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Rate of interest.
4334	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1903	March 14, 1904	214,750 66	70,005.12	144,745 54	10	3½
4335	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1903	March 14, 1904	75,853 14	11,658 55	64,194 59	10	3½
4336	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1903	March 14, 1904	26,501 14	3,674 75	22,826 39	10	3½
4337	Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1903	March 14, 1904	11,568 24	2,319 32	9,248 92	3	3½
4338	Local Improvement Debentures to defray the ratepayers share of the cost of certain sewers constructed in the year 1903	March 14, 1904	26,489 31	2,978 73	23,510 58	10	3½
4342	General Consolidated Loan Debentures to redeem and replace certain Water Works Debentures	March 14, 1904	538,000 00	538,000 00	.....	40	3½
4343	Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1903	March 14, 1904	41,290 63	7,763 83	33,526 80	10	3½
4344	Local Improvement Debentures to defray the ratepayers' share of the cost of certain cedar block pavements constructed in the year 1903	March 14, 1904	37,687 73	11,912 40	25,775 33	5	3½
4345	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1903	March 14, 1904	76,695 48	18,630 07	58,065 41	10	3½

SCHEDULE. A. *Continued.*

	Nature of Work under By-law.	When passed by Council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Rate of interest.
4346	Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1903.	March 14, 1904	5,213 88	907 13	4,306 75	3	3½
4347	Local Improvement Debentures to defray the ratepayers' share of the cost of a brick sidewalk on the east side of Sherbourne street, between Ancroft Place and South Drive	March 14, 1904	644 79	53 79	591 00	10	3½
4353	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1903	March 28, 1904	25,383 80	4,410 87	20,972 93	10	3½
4354	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1903	March 28, 1904	6,810 51	886 69	5,923 82	10	3½
4355	Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1903	March 28, 1904	2,120 98	318 58	1,802 40	3	3½
4357	General Consolidated Loan Debentures for the Improvement of the City Water Works	April 11, 1904	1,000,000 00	1,000,000 00	.....	40	3½
4360	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1903	April 11, 1904	55,189 87	20,123 77	35,066 10	10	3½
4361	Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1903	April 11, 1904	63,688 24	19,752 70	43,935 54	various	3½
4362	Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1903	April 11, 1904	1,764 10	322 94	1,441 16	5	3½

SCHEDULE A.—*Continued.*

	Nature of Work under By-law.	When passed by Council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Rate of interest.
4363	Local Improvement Debentures to defray the ratepayers' share of the cost of certain tar macadam pavements constructed in the year 1903	April 11, 1904	$ 39,434 06	8,911 09	30,522 97	5	3½
4364	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete pavements constructed in the year 1903	April 11, 1904	3,113 44	1,093 14	2,020 30	10	3½
4365	Local Improvement Debentures to defray the ratepayers' share of the cost of certain stone curbings constructed in the year 1903	April 11, 1904	2,070 73	631 94	1,438 79	10	3½
4366	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbings constructed in the year 1903	April 11, 1904	349 57	169 57	180 00	10	3½
4367	Opening, widening and extension of the lane lying between Gerrard Street and First Avenue	April 11, 1904	1,800 45	.....	1,800 45	3	3½
4368	Concrete sidewalk on the north side of Gerrard Street, between LaPlante Avenue and Elizabeth Street	April 11, 1904	239 38	46 00	193 38	10	3½
4369	Wooden curbing on the east side of Strachan Avenue, between King Street and Clifford Street	April 11, 1904	168 48	73 00	95 48	3	3½
4392	Local Improvement Debentures consolidating the broken amounts, being the ratepayers' share named in certain Local Improvement By-laws	June 13, 1904	532,184 63	.....	532,184 63	various	3½
4393	Local Improvement Debentures, consolidating the city's proportion of the amounts named in certain Local Improvement By-laws	June 13, 1904	186,643 98	186,643 98	.....	various	3½
4410	General Consolidated Loan Debentures to meet the cost of acquiring the Garrison Commons Property	July 6, 1904	222,074 00	222,074 00	.....	40	3½
4411	General Consolidated Loan Debentures to met the cost of certain permanent improvements	July 6, 1904	191,500 00	191,500 00	.....	25	3½

SCHEDULE A.—*Concluded.*

	Nature of Work under By-law.	When passed by Council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Rate of interest.
4412	General Consolidated Loan Debentures for erecting and enlarging certain schools and enlarging school sites	July 14, 1904	89,579 00	89,579 00	.....	40	3½
4427	General Consolidated Loan Debentures to redeem and replace certain Water Works Debentures as supplementary to the sum raised by By-law 4342	Octo'r 10, 1904	30,979 00	30,979 00	.....	40	3½
4437	General Consolidated Loan Debentures to pay for completing the new school on Broadview Avenue.	Octo'r 24, 1904	27,759 00	27,759 00	.....	40	3½
4438	Opening and extending Victoria Street from King Street to Colborne Street	Octo'r 24, 1904	87,204 32	43,602 16	43,602 16	20	3½
4439	General Consolidated Loan Debentures to pay for the purchase of parks and playgrounds, and making permanent provements thereon	Octo'r 24, 1904	141,668 00	141,668 00	.....	40	3½
4444	General Consolidated Loan Debentures to pay for the City's share of the estimated cost of the subway to be constructed at Lansdowne Avenue	Nove'r 14, 1904	100,000 00	50,000 00	50,000 00	40	3½
4445	General Consolidated Loan Debentures to pay for the purchase of a site and for the erection of a suitable Fire Station in the Kew Beach District	Nove'r 14, 1904	25,000 00	25,000 00	.....	40	3½
4446	General Consolidated Loan Debentures to pay for the erection of a new Fire Station at Cowan Avenue	Nove'r 14, 1904	20,000 00	20,000 00	.....	40	3½
4449	The purchase of stock or shares of the Consumers' Gas Company	Nove'r 21, 1904	1,000,000 00	1,000,000 00	.....	40	3½
4461	Street Railway Debentures to pay for constructing, repairing and renewing pavements upon portions of streets occupied by right of way of the Toronto Railway Company	Dece'r 15, 1904	220,572 47	220,572 47	.....	10	3½

CHAPTER

CHAPTER 84.

An Act respecting the City of Toronto

Assented to 25th May, 1905.

Preamble. WHEREAS the corporation of the City of Toronto has, by petition, prayed for special legislation in respect to the several matters hereinafter set forth; and whereas the Lieutenant-Governor in Council by proclamation dated 3rd March, 1905, annexed to the City of Toronto a certain portion of the Township of York, and made certain provisions for the assessment of the said lands; and whereas the power of the Lieutenant-Governor in Council to make the said provisions has been questioned, and it is desirable to validate the said proclamation; and whereas the terms of an agreement have been arrived at between the Grand Trunk Railway Company, of Canada, and the said corporation respecting the leasing of certain lands by the corporation to the railway which are required by the railway for the purposes of a new passenger station and passenger station yards, in the City of Toronto, and it has been deemed expedient to have the said agreement validated by legislation; and whereas the said corporation has asked for authority to issue debentures to raise an amount not exceeding $110,500 for certain works and improvements of an urgent and necessary nature, and it appears reasonable to grant such authority; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Proclamation set out in Sched. "A" validated and confirmed. 1. The proclamation made by the Lieutenant-Governor in Council, of the Province of Ontario, dated 3rd March, 1905, a copy of which is set out as Schedule "A" hereto, is hereby validated and confirmed, and it is hereby declared that the said Lieutenant-Governor in Council had full and ample authority to make all the provisions therein contained for the assessment of the said lands, and all

assessments

assessments thereof made and adopted or to be made and adopted by the said corporation of the City of Toronto, or by the Assessment Commissioner, or the assessors thereof, and all taxes levied or to be levied according to and upon such assessments be and the same are hereby declared to be valid and binding upon all parties concerned; provided however that where only a portion of a parcel which was assessed as a whole by the township for 1904 is added then the assessment of such portion shall be made proportionately according to the area so added.

(2). And provided also that the assessment of the land and of the land and buildings of William Mackenzie under the proclamation for the period of ten years from the first day of January, 1905, entered on the assessment roll for the City of Toronto under numbers 51,064 and 51,064½ shall be fixed by some disinterested person to be appointed by the Honourable the Provincial Secretary of the Province of Ontario and such assessment shall be a comparative and relative assessment with the assessment of other land, and other land and buildings entered on the assessment roll of the Township of York in the territory included in the proclamation. Such fixing of assessment to be made upon inspection of the assessment roll and land and buildings without any examination of witnesses and to be made within a reasonable time. Any other owner of land or of land and buildings within the annexed territory who has appealed against the assessment made by the City of Toronto under the proclamation or who is now entitled to appeal shall have an equality of right with the said William Mackenzie under this Act.

The clerk of the said City of Toronto may forthwith complete the collector's roll or rolls for the said city for the year 1905 according to the provisions of *The Assessment Act* without including therein the assessment of the said lands of William Mackenzie or any other assessment which may be altered in pursuance hereof and upon the award of the said person so to be appointed being made, add the assessment or assessments thereby fixed to the said roll or rolls and the taxes upon the said lands shall thereupon become payable as if they had been originally included in the said roll or rolls.

Agreement between City and G.T. Ry. Co. set out as Sched. "B" confirmed.

2. An agreement between the Grand Trunk Railway Company, of Canada, and the said corporation, a copy of which is set out as Schedule "B" hereto, is hereby declared to be valid and binding on the parties thereto and the said parties thereto are hereby empowered to do all acts provided for in said agreement or necessary to give effect to the same. The said corporation

corporation, at the expense of the said company, are hereby authorized to expropriate the twenty-five feet in width of the Baldwin lot mentioned in paragraph 5 of the said agreement under the provisions for expropriation in *The Consolidated Municipal Act, 1903*, and any amending Acts and subject to the payment of compensation as therein provided. Nothing herein contained shall prejudice or affect the claim which has been raised as to the validity of the expropriation order mentioned in the said agreement so far as it affects the lands leased by the City of Toronto to A. R. Williams.

Issue of debentures for $110,500 authorized for certain purposes.

3. The council of the said corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as from time to time may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount as may be necessary to raise the sum of $110,500 for the following purposes:

Freight shed on east side of block D, Harbor Square	$45,000
Buildings on wharf between Yonge and Bay Streets	15,000
Erection of new morgue	20,000
Extension of Jarvis St. sewer	5,700
Extension of Berkeley St. sewer	3,500
Twelve inch water main on Spadina Avenue from Wellington Street to College Street	14,700
Twelve inch water main on Sterling Road from Bloor Street to Dundas Street	6,600
	$110,500

and for such purposes or any of them may issue any number of debentures payable in this Province or elsewhere in sums of not less than $100 each, which may be payable at any time within forty years from the respective dates thereof with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly; and for the purpose of redeeming such debentures and paying the interest thereunder, the council of the corporation of the City of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all rateable real and personal property in the said municipality, over and above and in addition to all other rates to be levied in each year

year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

SCHEDULE "A".

WM. MORTIMER CLARK.

CANADA, PROVINCE OF ONTARIO.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may concern, Greeting:—

PROCLAMATION.

J. P. WHITNEY, Attorney-General.

Whereas it has been made to appear to the Lieutenant-Governor of OUR Province of Ontario-in-Council that two-thirds of the members of the municipal council of the corporation of the City of Toronto, in the County of York, did, in council, before the 15th day of July, 1904, and in pursuance of the provisions in that behalf of *The Municipal Act* pass a resolution affirming the desirability of adding to the said City of Toronto certain portions of the adjoining Township of York in the said County of York;

And whereas the said municipal council has prayed that a proclamation be issued to give effect to the said resolution;

And whereas OUR said Lieutenant-Governor-in-Council deems it expedient to grant the said prayer;

Now know ye, that, having taken the premises into OUR royal consideration, WE, by and with the advice of the Executive Council of our Province of Ontario, and in the exercise of the power in US vested in this behalf by the said in part recited Act, or otherwise howsoever, do, by this Our royal proclamation, hereby add to the said City of Toronto, under the terms and conditions as to taxation, hereinafter mentioned, the following territory, that is to say:—All and singular that certain parcel and tract of land situated in the Township of York, in the County of York, and Province of Ontario, being composed of parts of lots twenty-two and twenty-three in the second and third concessions from the bay, and of the road allowance between the same in said township, more particularly described as follows: Commencing at a point on the limit between township lots numbers twenty-one and twenty-two in said second concession where the same is intersected by the northerly limit of registered plan No. 669 in the City of Toronto, being the north-west angle of the City of Toronto in this locality; thence northerly along the limit between said lots numbers twenty-one and twenty-two to the southerly limit of the road allowance between said concessions (now St. Clair avenue); thence northerly in a straight line across said road allowance to the south-easterly angle of said lot number twenty-two in concession three from the bay; thence northerly along the limit between lots twenty-one and twenty-two in that concession to a point thereon distant one hundred and thirty feet measured northerly from the northerly limit of Clinton avenue; thence westerly parallel with the northerly limit of Clinton avenue and along the production thereof to the intersection of the limit between lots twenty-two and twenty-three in

in the said third concession from the bay; thence southerly along that limit to a point distant one hundred and thirty feet measured northerly thereon from the north limit of St. Clair avenue aforesaid; thence westerly parallel with St. Clair avenue to the intersection of the production northerly of the westerly limit of registered plan No. 810 for the Township of York; thence southerly along that production and along the westerly limit of plans 810, 764 and 1237 in said township to the southwesterly angle of lot A on said plan No. 1237; thence south eighty-five degrees, thirty-one minutes east along the southerly limit of said lot A three hundred and twelve feet to the westerly limit of lot D on said plan; thence south two degrees east eight feet and ten inches to the southwesterly angle of said lot D; thence south fifty-nine degrees, twenty minutes east along the southerly limit of lots D, E and F on the last-mentioned plan to the southeasterly angle of said lot F; thence still easterly on the said course to the intersection of a line drawn parallel with the westerly limit of Poplar Plains Road and distant one hundred and thirty feet measured westerly therefrom and at right angles thereto; thence southwesterly along a line drawn parallel with said limit of Poplar Plains Road and always at a distance of one hundred and thirty feet measured at right angles thereto to the intersection of a line drawn parallel with the northeasterly limit of Davenport Road and distant one hundred and thirty feet measured northeasterly therefrom and at right angles thereto; thence southeasterly in a straight line to the production westerly of the south limit of Macpherson Avenue as shown on registered plan No. M 18; thence easterly along that production to the easterly limit of the Poplar Plains Road, being at this point the westerly limit of the City of Toronto; thence northerly and northeasterly along said limit, being the easterly limit of the Poplar Plains Road, to the intersection of the centre line of Block X, plan M 214; thence northeasterly along that line, being the northerly boundary of the City of Toronto, to the intersection of the limit between township lots numbers twenty-two and twenty-three in the second concession from the bay; thence northerly along that limit to the intersection of the present northerly limit of the City of Toronto, formerly the north limit of the Village of Yorkville; thence easterly along that limit to the intersection of the limit between lots numbers twenty-one and twenty-two in the said second concession from the bay; thence northerly along that limit to the place of beginning.

And WE hereby add the portion of the lands annexed lying east of the centre line of Avenue road to ward number three of the said City of Toronto, and the portion of the lands annexed lying west of the said centre line to ward number four of the said city.

And WE ordain and declare that the said territory shall be and is hereby added to the said City of Toronto under and subject to the following terms and conditions, that is to say:

The lands so added (but not any new buildings or improvements erected or placed thereon) shall remain, for a period of ten years from the first day of January, 1905, at the same assessed value as such lands were assessed in the Township of York for the year 1904, but new buildings hereafter erected, and improvements made upon any of the lands so added, and also all such lands as may be hereafter sold shall be assessed as other lands and buildings under the provisions of *The Assessment Act*.

And WE further ordain and declare that the said territory shall be and is hereby added to the City of Toronto under and subject to the following terms and conditions, that is to say:

1. The taxes and rates imposed for the year 1904, or any prior year upon any of the lands included in the territory hereby annexed which have not yet been collected shall be collected by and belong to the Township of York, and all right to collect the same, including distress for non-payment, or if necessary the sale of the said lands

lands or any of them, shall remain in the said township as though this proclamation had not issued.

2. The said City of Toronto may at any time hereafter and prior to the preparation of the estimates for the year 1905 assess the lands included in the territory hereby annexed for the year 1905 as though the same had been made in the year 1904, and the same shall be assessed (except in the case of new buildings or improvements erected or placed thereon) at the same assessed value respectively as they were assessed by the Township of York for the year 1904; but new buildings erected after the assessment for the said township for 1904 was made, and improvements made upon any of the lands included in the territory hereby annexed shall be assessed for their value as authorized by *The Assessment Act*, and the owners and occupiers shall be notified of such assessment as required by *The Asssessment Act*, and shall have the same right to appeal to the Court of Revision and County Judge as is provided therein, and the assessment so fixed shall be the one upon which the taxes for the year 1905 upon said lands shall be rated and imposed.

And WE further ordain and declare that the said addition of territory to the said City of Toronto shall take effect on and from the tenth day of March now next.

Of all which premises, all OUR loving subjects and all others whom it doth or may in any wise concern, are hereby required to take notice and govern themselves accordingly.

In testimony whereof, WE have caused these OUR Letters to be made Patent, and the Great Seal of OUR Province of Ontario to be hereunto affixed: Witness, His Honour William Mortimer Clark, &c., &c., &c., Lieutenant-Governor of OUR Province of Ontario, at OUR Government House in OUR City of Toronto, in OUR said Province, this third day of March, in the year of OUR Lord one thousand nine hundred and five, and in the fifth year of OUR reign.

By command,

W. J. HANNA,
Provincial Secretary.

SCHEDULE "B."

This Agreement made this twenty-second day of April, in the year one thousand nine hundred and five, between The Grand Trunk Railway Company of Canada, hereinafter called "the Grand Trunk," of the first part, and The Corporation of the City of Toronto, hereinafter called "the city," of the second part.

Whereas the Grand Trunk are legally empowered to acquire those certain lands and premises shown colored red on plan hereto annexed marked "A," in and owned by the City of Toronto south of Front street and between Yonge street on the east and York street on the west, for erecting thereon and using the same for the purposes of a new union passenger station and passenger station yards in the City of Toronto;

And whereas the city are the owners of certain of the lands and premises required and hereinafter described and representing the interests of inhabitants of the City of Toronto, have had negotiations with the Grand Trunk as to the compensation to be paid for the taking of said lands and also to secure as far as possible the completion of said station and yards in a manner suitable and convenient for the business interests of the City of Toronto;

And whereas it is expedient that the result of the said negotiations should be embodied in the form of an agreement;

Therefore this agreement witnesseth that for and in consideration of the premises and of the advantages to be derived by each of the said parties hereunder, the said parties hereto have agreed and do hereby

hereby covenant and agree each with the other as follows, that is to say:—

1. Upon the Grand Trunk expropriating or otherwise acquiring the tenants' interests in the lands to be leased to them as hereinafter provided and the Baldwin lot, and upon obtaining the consent of the Government of the Dominion of Canada if necessary, the city when requested in writing by the Grand Trunk Railway Company will take the necessary proceedings to close, and will, without delay, cause to be closed against all further public travel the streets and highways or portions of same shown colored brown on said plan, that is to say:—

The whole of Station street except the northerly 20 feet thereof throughout and that part of Simcoe street south of a line drawn 20 feet south of and parallel to the northerly line of Station street produced westerly, the whole of Lorne street, that part of Esplanade street including York street diversion between York street and Yonge street, and that part of York street south of a line drawn 20 feet south of and parallel to the northerly line of Station street produced, also that part of Bay street lying south of a line drawn across the same 25 feet south of and parallel to the lane running from Yonge street to Bay street shown on the said plan.

2. The Grand Trunk will indemnify and save harmless the city against all lawful claims for damages arising from the closing of the said streets, but nothing herein contained shall be construed as an admission on the part of the Grand Trunk that there will be any such damages nor prevent the Grand Trunk from claiming the benefit of the increased value that will attach to any lands by reason of the Grand Trunk acquiring and using the said lands forming part of said streets for the purposes hereinbefore recited. The city will make no claim for damages on account of the closing of the said streets.

3. Upon the Grand Trunk expropriating or otherwise acquiring the tenants' interests therein the city will give to the Grand Trunk a lease, subject to renewal for all time to come, of all the lands owned by the city colored red on the said plan, lying between York street and Bay street south of Front street and north of the north limit of Esplanade street and York street diversion, also all the lands owned by the city south of a line 25 feet south of the lane running between Yonge street and Bay street and parallel thereto, and more particularly described as follows:—

All and singular those certain parcels or tracts of lands and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, comprising three (3) several parcels, which said parcels are more particularly described as follows:

Parcel I. Being all those lands bounded by the easterly limit of York street, as originally laid out, the westerly limit of Lorne street, the southerly limit of Front street, and the northerly limits of the Esplanade and York street diversion.

Parcel II. Being all those lands bounded by the easterly limit of Lorne street, the westerly limit of Bay street, the southerly limit of Front street, and the northerly limit of the Esplanade.

Parcel III. Being all those lands bounded by the easterly limit of Bay street, the westerly limit of that part of water lot No. 41, now owned by the executors of the estates of R. Baldwin and W. W. Baldwin, by the northerly limit of the Esplanade, and by a line drawn parallel to the southerly limit of Front street, and distant two hundred and five feet and eight inches (205' 8") southerly therefrom, such line being also parallel to and at a distance of twenty-five feet (25') southerly from the south limit of the said lane running from Bay street to Yonge street. Together with all those portions of said streets agreed to be closed as above provided, and the Grand Trunk will pay and the city will accept as an annual rental (exclusive of taxes) for the said lands the sum of $14,000 per annum for the first term of twenty-one years, and the sum of $20,000 for the second term of twenty-one years and thereafter for terms of twenty-one years from time to time for ever at such annual rental as may be agreed upon and in default of agreement as shall be determined by arbitration

tration, one arbitrator to be appointed by the city, one by the Grand Trunk, and the third arbitrator by the other two. All proceedings in and about the said arbitration to be governed by the provisions of *The Arbitration Act*, of the Province of Ontario, and any amendments thereto. It is further agreed that the amount of the annual rental of the said lands shall on any renewals of said lease at or after the expiration of forty-two years from date of said lease, be determined as though all the streets hereby agreed to be closed were still open. The city shall not be bound to furnish any abstract of title to the said lands nor any document or copies thereof not in their possession.

4. The said lease shall bear date the 23rd day of February, 1905: if the city receive any rentals from the present tenants after that date the city will pay the same to the Grand Trunk or will apply them upon the rent payable by the Grand Trunk under the said lease, and the term shall begin and the rent be payable from the said date. The lease shall contain a covenant to pay rent and to pay taxes including local improvement taxes; for re-entry on non-payment of rent and such other covenants as may be necessary and proper to carry out this agreement.

5. The Grand Trunk will as soon as possible obtain a title to and convey to the city the 25 feet in width of the Baldwin lot (being the east half of lot 41, plan 5A, such portion to be conveyed being shown colored yellow on said plan hereunto annexed) lying immediately south of the lane shown on said plan running from Yonge street to Bay street, and the city will, if it can legally do so, remove the said lane twenty-five feet further south of its present location between Bay street and the easterly limit of the said Baldwin lot, or so near thereto as can be and will connect the portion so removed with the portion thereof lying east of the said Baldwin lot. The Grand Trunk will indemnify the city against all claims for damages which may be made by tenants of the strip of land 25 feet in width lying immediately south of the said lane by reason of this agreement or by reason of the proposed removal of the said lane, or the agreement therefor.

6. The Grand Trunk agree that in constructing the buildings in connection with the said station and yards, no part of any such buildings shall be erected upon that part of the lands proposed to be leased being a strip 25 feet in width immediately adjoining the southerly limit of Front street and lying between York street on the west, and Bay street on the east, except that the main building or head house of the said station building may extend out to the line of Front street from the second and higher stories and be supported on pillars at the said street line or northerly limit of said strip, and shall be so constructed as to permit a reasonable passage under the said head house for passengers on foot or with horses and vehicles and between said pillars. It is further agreed that the Grand Trunk shall permit the public at all times to have access on foot or with horses and vehicles to, along and across the said 25 foot strip to and from the said station, offices and buildings throughout its entire length.

The Grand Trunk will at their own costs and charges pave the said 25 foot strip of land and maintain the said paving at all times in a manner satisfactory to the city engineer, provided however that the Grand Trunk shall not be compelled to maintain a more expensive pavement than is maintained by the City from time to time on the adjoining portion of Front street. No stand for cabs or other vehicles or for any other purpose shall be established nor any structure erected on the said strip other than the said pillars for supporting the head house.

7. The Grand Trunk will indemnify and save the city harmless against all claims and costs arising therefrom from or by the tenants

ants and lessees of the lands so to be leased (including the C.P.R. Co.) under the leases heretofore granted by the city, and which may arise through the compulsory taking of said leased lands for the said purposes, and the Grand Trunk shall take charge of the settlement and adjustment of such claims at their own expense, and the City will furnish the Grand Trunk with copies of all leases, documents, valuations, and materials in their possession or custody relating to any of said lands.

8. The Grand Trunk agree with the city to pay the taxes for the year 1905 upon the lands (to be adjusted according to area where lands are divided) hereby agreed to be leased and also upon the part of the Baldwin property which is to be acquired and retained by the Grand Trunk as rated and assessed upon the present assessment rolls of the City of Toronto made for the year 1905. And for the period of ten years commencing from and inclusive of the year 1906, it is hereby agreed that the city will establish and make a fixed assessment of $500,000 on the said lands, inclusive of all buildings, erections, tracks, superstructures and substructures placed upon, in, over, under or affixed to the said lands or any part thereof, and upon such fixed assessment the Grand Trunk will for said ten years be rated for and liable to the city for the taxes levied thereon at the rates as levied upon other ratepayers and property owners in the City of Toronto generally. The Grand Trunk will in addition to such general taxes be liable to pay such local improvement taxes as may be charged upon the said lands or any part thereof under the provisions of the local improvement clauses of *The Municipal Act* or any amendment thereto, and agree not to oppose any local improvement works upon the street fronting or abutting on the said lands which may be recommended by the city engineer and approved of by the council of the city.

9. The Grand Trunk will provide for all changes, repairs and other work that may have to be performed in connection with York street bridge by reason of the laying of any tracks or the construction of any works upon the lands so to be leased, including that portion thereof under said bridge. The said bridge and the maintenance thereof are to be continued as at present under the terms and provisions of the Esplanade agreements heretofore made and entered into between the city and the Grand Trunk and other railway companies.

10. It is agreed and understood between the parties hereto that the terms and provisions of this agreement are to be read and considered as additional to the terms and provisions already contained in the order of the Board of Railway Commissioners for Canada, dated 23rd February, A.D. 1905, a copy of which order is hereto attached, and also additional to any amendments heretofore made, or that hereafter may be made, to said Order by the said Board.

It is further covenanted and agreed by and between the parties hereto, that if the terms of the said order or the said amendments shall be inconsistent with any of the provisions of this Agreement, the provisions of this Agreement shall prevail.

11. As it is considered necessary and expedient to obtain legislation to ratify, confirm and make binding this agreement on all parties it is hereby agreed that the city will apply for and endeavour to obtain such legislation during the present Session of the Legislature of the Province of Ontario and the Grand Trunk agree to assist the city by all lawful means in obtaining said legislation.

12. So soon as the said station and yards shall have been completed and ready for use, the Grand Trunk and any other railway company upon whom any such obligation rests, and which company shall have entered into an obligation satisfactory to the city to use such station and yards shall be released by the city from all existing obligations to maintain the present existing Union Station on the south side of Front street, between York and Simcoe streets.

13. Subject to the terms and provisions in the said order of the Board of Railway Commissioners, dated 23rd February, A.D. 1905, the Grand Trunk covenant with the city to erect and complete the proposed Union Station as therein provided, and it is

hereby

hereby agreed that the terms and provisions of this agreement shall bind and inure to the benefit of the successors and assigns of each of the parties hereto and be observed, carried out and given effect to in the most liberal and reasonable manner, and in all respects according to the true intent and meaning thereof.

14. The access from Front street to Lake street and vice versa by a bridge or other safe and reasonable means, above track level, provided for in clause 10 of the said order of the Railway Commissioners, shall be made as provided in the said order, notwithstanding the fact that it is provided by this Agreement that a portion of Bay street, south of Front street, shall not be closed.

In witness whereof the parties hereto have hereunto affixed their respective corporate seals on the day and year first above written with the hands of their proper officers.

Signed, sealed and delivered
in presence of

THOS. URQUHART, (City Seal.)
Mayor.
R. T. COADY,
Treasurer.

The Grand Trunk Railway Company of Canada:
CHAS. M. HAYS (G.T.R. Seal)
Second Vice-President and General Manager.
FRANK SCOTT,
Treasurer.

CHAPTER

CHAPTER 85.

An Act to confirm and validate a By-law of the Trustees of the Roman Catholic Separate Schools for the Town of Wallaceburg.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Board of Trustees of the Roman Catholic Separate Schools for the Town of Wallaceburg, on the 18th day of November, 1904, duly passed a by-law to erect and equip a new school building on the school grounds, west of Duncan Street, in the Town of Wallaceburg, and for that purpose to borrow upon the debentures of the said board the sum of $7,000; and whereas, inadvertently, by said by-law, said sum of $7,000 was to be repaid in 30 equal annual instalments of $404.81 of principal and interest combined, instead of in the manner provided by the form of debenture given in Schedule H to *The Separate Schools Act*; and whereas such by-law was duly published in a public newspaper published weekly in the said Town of Wallaceburg, for a period of three weeks, and more than three months has elapsed after the publication thereof, as aforesaid, and no application to quash the said by-law has been made; and whereas doubts have been raised as to the validity of said by-law, and the debentures issued thereunder, and as to the creation by said by-law of a charge upon the school property and the buildings proposed to be erected with said sum of $7,000; and whereas the school grounds west of Duncan Street in the Town of Wallaceburg, referred to in said by-law, consist of lots 172, 173 and parts of lots 150, 153 and 170, Baby's survey of said Town of Wallaceburg;

Rev. Stat., c. 294.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

By-law set out in Sched. "A" and debentures thereunder confirmed.

1. Notwithstanding the provisions of section 1 of chapter 41 of the Acts passed in the 2nd year of His Majesty's reign, the by-law passed by the board of trustees of the Roman Catholic Separate Schools for the Town of Wallaceburg on the 18th November, 1904, set forth in Schedule "A" to this Act, and the debentures issued thereunder in the form set forth in Schedule "A" to the said by-law, are hereby confirmed and declared legal, valid and binding upon the said board of trustees, and the same shall constitute and become immediately upon the passing of this Act a first charge and incumbrance upon said lots 172 and 173 and parts of lots numbers 150, 153 and 170, Baby's survey of Wallaceburg, and the building thereon to be erected and upon the separate school rates to be collected and received by said school trustees, until all the debentures issued in pursuance of said by-law are fully paid and satisfied.

SCHEDULE "A."

By-Law No. 1.

Of the Board of Trustees of the Roman Catholic Separate Schools for the Town of Wallaceburg.

Whereas it is expedient in the opinion of the Board of the Roman Catholic School for the Town of Wallaceburg to erect and equip a new school building, at the cost of $8,000, on school grounds west of Duncan Street in the said Town of Wallaceburg, for the proper and suitable accommodation of pupils in attendance at the Separate school.

And whereas the said board is a body corporate under *The Separate Schools Act.*

And whereas it is necessary for said board to borrow, upon its debentures, the sum of $7,000, and which sum together with the interest thereon shall be repaid within thirty years from the date of the final passing hereof, in such sums annually as shall make the aggregate amount payable for principal and interest, in any one of the said years of said term equal to that payable in any other of said years of said term.

And whereas the amounts required to be raised annually during the said period upon the Separate School rates to meet said annual payments of principal and interest in each of said years, are respectively set forth opposite said years in the schedule hereunder written marked "A":

And whereas the whole rateable property of the said board, upon which Separate School rates are levied, according to the last revised assessment rolls being for the year 1904, is valued at $151,000.

And whereas the amount of the existing debenture debt of the said board is nothing;

Be it therefore and it is hereby enacted by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Wallaceburg, under and by virtue of the provisions of *The Separate Schools Act*":

1. It shall be lawful for this board to borrow upon its debentures the sum of seven thousand dollars ($7,000), and to issue its debentures

tures for raising said sum, and the same shall be payable within thirty years of the final passing of this by-law, and shall bear interest at the rate of four per centum per annum upon the unpaid portion thereof, payable yearly.

2. There shall be repaid in each of said years upon said loan, until the same has been fully paid off, commencing at the end of one year from the date of the passing of this bylaw and hereafter in each year throughout said term, the amount set opposite said year in said schedule "A" hereunder written in the third column thereof on account of the principal, and the amount set opposite the said year in the said schedule in the fourth column thereof, for interest.

3. Separate debentures shall be issued for the amount so payable for principal and interest in each of said years without coupons and no such debentures shall be for a less sum than $124.84 of principal money for any one thereof.

4. For the purpose of paying off said debentures there shall be raised annually during the said period until the said loan is fully paid off, upon all the rateable property of the said board, upon which Separate School rates are levied, the amount of principal and interest payable in each said year as set out in Schedule "A," which sum shall be levied by special rate upon the Separate School rates of said board.

5. All debentures required to raise said loan shall be issued and negotiated by the chairman of the said board when and as directed by a resolution of the board and shall be payable at the Bank of Montreal, Wallaceburg.

6. The chairman and treasurer of the board shall sign each of said debentures and the secretary of the board shall affix the corporate seal to same.

7. This by-law shall take effect and come into operation from and after the final passing thereof.

Passed at the meeting of the board this eighteenth day of November. A.D., 1904.

(Signed) THOMAS FORHAN, Chairman.
(Signed) M. J. HURLEY, Sec.-Treas.

SCHEDULE "A."

No. Payment.	Year.	Amount of Principal	Amount Interest.	Total for Year.
1	1905	$124 84	$280 00	$404 81
2	1906	129 81	275 00	404 81
3	1907	134 99	269 81	404 81
4	1908	140 39	264 41	404 81
5	1909	146 01	258 79	404 81
6	1910	151 85	252 95	404 81
7	1911	157 92	246 88	404 81
8	1912	164 24	240 56	404 81
9	1913	170 81	233 99	404 81
10	1914	177 64	227 16	404 81
11	1915	184 75	220 05	404 81
12	1916	192 14	212 66	404 81
13	1917	199 84	204 97	404 81
14	1918	207 82	196 98	404 81
15	1919	216 13	188 67	404 81
16	1920	224 78	180 02	404 81
17	1921	233 77	171 03	404 81
18	1922	243 12	161 68	404 81
19	1923	252 84	151 96	404 81
20	1924	262 96	141 85	404 81

No. Payment.	Year.	Amount of Principal.	Amount Interest.	Total for Year.
21	1925	273 47	131 33	404 81
22	1926	284 41	120 39	404 81
23	1927	295 79	109 01	404 81
24	1928	307 62	97 18	404 81
25	1929	319 93	84 88	404 81
26	1930	332 72	72 08	404 81
27	1931	346 03	58 77	404 81
28	1932	359 87	44 93	404 81
29	1933	374 27	30 54	404 81
30	1934	389 24	15 57	404 81
		$7000 00	$5144 10	$12144 10

CHAPTER 86.

An Act respecting the Town of Whitby.

Assented to 25th May, 1905.

Preamble. WHEREAS the Corporation of the Town of Whitby has by petition represented that it entered into a certain agreement with "The Farmers' Co-operative Harvesting Machine Company, Limited," to carry on the manufacture of harvesting and other machinery for a term of five years therein with a view to the permanent establishment of their workshops in the said town upon condition that the said company was to be aided by way of bonus, as set out in the by-law hereinafter mentioned, subject to the approval of the proper number of ratepayers entitled to vote thereon in accordance with the provisions of *The Consolidated Municipal Act, 1903*; and whereas a by-law containing the provisions of the said agreement was duly published and submitted to such ratepayers for their approval on the thirteenth day of March, 1905; and whereas of four hundred and sixty-two persons appearing on the list of persons as entitled to vote thereon, of whom seventy-nine persons were non-resident, two hundred and sixty-seven persons voted for the said by-law and forty-eight voted against the same with ten ballots rejected; and whereas it appears that divers persons entered upon the said list of voters were not at the time of the voting entitled to vote on said by-law and that a number of persons sufficient to have carried the same and entitled to vote thereon who were in favour of the passing of said by-law were prevented by illness or absence from town from voting, and that a number of persons entitled to vote thereon by reason of their religious belief absolutely refuse to vote on such by-laws or at municipal elections in the said town, and that since the making of the said agreement the said company has been actually engaged in manufacturing such machinery in the said town and the proposed aid by way of bonus is so small that it can be paid by annual payments without the issue of debentures therefor and have prayed that the said council under the circumstances may be granted power to give the said by-law its third reading and finally pass the same; 3 Edw. VII., c. 19.

same; and whereas the said corporation has by petition further represented, that under the provisions of by-law number 631 of the said corporation the owners of lands used as farm lands only in blocks of not less than twenty acres were disqualified from voting on any by-law for creating or contracting any future debenture debt to aid manufacturers by way of bonus and that such blocks of land of not less than twenty acres are by the said by-law wholly exempt from taxation for the payment of any such future debenture debt for aiding manufacturers by way of bonus and that in the belief of said council a majority of the ratepayers of said town including the owners of lands used for farm purposes in order to procure the building and carrying on of a factory for the manufacture of sugar from sugar beets in said corporation are desirous of granting aid by way of bonus to the extent of $25,000 to The Keystone Sugar Company, Limited, and to grant exemption to the said company for ten years from all taxes except school taxes and that the taxation for school purposes during such period of ten years shall be based upon an assessment of $100,000, only, and that a majority of owners of lands used as farm lands only have requested that a by-law as set out in schedule "B" to this Act be submitted to all the ratepayers of the said town including the owners of farm lands exempted by the said by-law for their approval and consented and agreed that the rate to be levied in payment of the debenture debt created for the payment of such bonus shall be levied upon the whole property liable to assessment in said town including such farm lands, and that the establishment and operation of the said manufactory in said town will be of great benefit to the owners of said farm lands and other ratepayers therein and that the by-law set out in schedule "B" hereto was after due publication voted upon by the ratepayers qualified to vote thereon when out of 482 ratepayers entitled to vote including the owners of all such farm lands 267 of such electors voted for the said by-law and only 36 voted against the same, and having received the approval of the requisite number of ratepayers as required by law the said by-law was on the 1st day of May, 1905, finally passed by the Council of the Corporation of the Town of Whitby; and whereas the value of the whole rateable property of the said Town of Whitby according to the last revised assessment roll of the said town is $812,407.00; and whereas the existing debenture indebtedness of the said town for which the whole of the said rateable property is liable is the sum of $56,406.90, of which no sum is in arrear for principal or interest and the existing debenture indebtedness on that part of the said town not composed of lands used for farming purposes is the sum of $73,141.55 for waterworks, electric light and cement sidewalks

sidewalks, of which no sum is in arrear for principal or interest; and whereas the said corporation has prayed that an Act may be passed legalizing and confirming the said by-law and no opposition has been offered to the prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement with Farmers' Co-Operative Harvesting Machine Co. authorized.

1. The said corporation is declared to have had full authority to enter into the agreement with the Farmers' Co-Operative Harvesting Machine Company, Limited, so far as the same relates to the location and carrying on of the company's works therein for the said period of five years the terms of which are set out in the by-law schedule "A" hereto, and to that extent the said agreement is declared to have been and is a valid, legal and subsisting agreement and is binding upon the parties thereto, their respective successors and assigns and the council of the said corporation is hereby given full power and authority to do all things necessary to carry out the said terms of the said agreement which are set out in said by-law schedule "A" including the final passing of the said by-law which is to be taken and read as a part of this Act.

By-law set out in Schedule B confirmed.

2. For and notwithstanding anything contained in By-Law Number 631 of the Town of Whitby and *An Act Respecting the Town of Whitby* legalizing and confirming the same passed in the third year of the reign of His Majesty King Edward VII., Chaptered 87, the said by-law as set out in Schedule "B" hereto is hereby legalized and confirmed and the Council of the Corporation of the Town of Whitby is hereby authorized to issue debentures to the amount of $25,000 and payable as set out in said by-law and the said debentures shall be binding upon the said corporation and the ratepayers thereof and be payable by a rate levied on the whole property of the town liable to taxation, including the farm lands therein in blocks of not less than twenty acres.

Rights, etc., of owners of farm land under By-law 631, not to be prejudiced.

3. It is expressly declared that the petition of the owners of such farm lands to the mayor and council of the Town of Whitby and their consent to the passing of the said by-law, the voting on such by-law by the owners of such lands and the passage of this Act shall not in any way otherwise prejudice, interfere with, impair or lessen the rights, immunities, privileges and benefits granted to such owners of farm lands under the said by-law number 631 of the Town of Whitby or the Act legalizing the same.

SCHEDULE.

SCHEDULE "A."

BY-LAW No.

A By-law of the Council of the Corporation of the Town of Whitby for granting aid by way of bonus to the Farmers' Co-operative Harvesting Machine Company, Limited, to secure the location of their works for a certain time within the Town of Whitby.

Whereas the Farmers' Co-operative Harvesting Machine Company have proposed to the council of the Town of Whitby (with a view to the permanent establishment of their workshops in the said town), to carry on the manufacture of harvesting and other machinery for a term of five years therein upon condition that they receive aid by way of bonus as hereinafter mentioned and subject to and in accordance with the terms of the agreement between the said company and the said corporation subject to the approval of the ratepayers qualified to vote thereon.

And whereas since the making of said agreement it has been agreed that in lieu of the building of the switch mentioned therein the said town shall do or pay for all cartage which the said company may require to be done within the Town of Whitby, and which it has been agreed shall not exceed in the whole more than $400 in any one year of said temporary term of five years or such less number of years as the same shall be shortened under the provisions contained in the said agreement.

And whereas the said agreement contained provisions as to the permanent location of the company's said factory and works in the said Town of Whitby upon receiving aid by way of bonus as therein mentioned, and it has been agreed that the submission of this by-law for granting aid during the temporary period to the said company shall not prevent the carrying out of the remaining portion of said agreement as to the permanent location of the said company's workshops in the said town under a by-law to be hereafter submitted to the ratepayers entitled to vote thereon and approved by the proper number thereof in accordance with the provisions of the *Municipal Act*.

And whereas the council of the said Town of Whitby by its by-law No. 631, passed on the 15th day of December, 1902, enacted that no rates should be levied upon lands in the Town of Whitby while used as farm lands in blocks of twenty acres and upwards in respect of debts created by by-laws for granting aid to manufacturers or for the establishment of waterworks or an electric light plant or the purchase of an existing electric light plant, nor should the owners of such lands vote on such by-law in respect of the same, and such by-law was legalized and confirmed by the Act of the Legislature of Ontario, assented to on the 12th day of June, 1903, and chaptered 87, entitled *An Act respecting the Town of Whitby*.

And whereas in order to aid the said company in manner aforesaid it is necessary and intended by this by-law to create a debt on the part of this corporation to the amount of not more than the sum of in the aggregate $3,500, for the following purposes for the payment of the annual sum of $300.00 being the equivalent of the annual rental of the said Brown & Patterson foundry premises, in each year for the term of five years, if the said company shall so long occupy the said premises in accordance with the provisions of the said agreement relating to the temporary occupation thereof and an annual sum not exceeding in the whole the amount of $400 in payment of the actual cartage charges of the said company during each year of said temporary period of five years from the first day of March, 1904.

And whereas it may happen that by reason of the purchase and occupation of other premises by the said company for their purposes under the said agreement or by reason of the said company ceasing to use the said Brown & Patterson foundry premises for the

the purposes aforesaid under the provisions of the said agreement, it may not be necessary in each of said five years to make such payments for the rental of said premises or the payment of such cartage, and it is therefore desirable that debentures shall not be issued for the payment of the debt hereby created but that the payments to be made as above shall be raised annually by a special rate on all the rateable property in the said town not used as farm lands in blocks of twenty acres during each of the said five years in which the said company shall be entitled by the carrying out of their agreement with the said town to receive the same.

And whereas it may require the sum of $700 to be raised annually by special rate for paying the said annual payments of rent of the said foundry premises and the amount to be paid for cartage during each of the said five years in which the said company shall be entitled by the carrying out of their agreement with the said town to receive such monies.

And whereas the amount of the whole rateable property in the said Town of Whitby upon which rates may be levied under the terms of said by-law No. 631 and the said hereinbefore in part recited Act entitled *An Act respecting the Town of Whitby*, according to the last revised assessment roll thereof is the sum of $674,581.

And whereas the existing debenture debt of the said Town of Whitby for which the whole of the said rateable property in the said town is liable is the sum of $56,406.90, of which no sum is in arrear for principal or interest.

And whereas the existing debenture debt of the said town for which the lands and rateable property on which an annual special rate can be levied under the terms of the said by-law and the said Act is the sum of $63,841.55, of which no sum is in arrear for principal or interest.

And whereas it would be a public benefit to the ratepayers of this corporation whose lands are liable to be assessed for payment of the amount necessary to be raised under this by-law to have the said factory of the said company located in the said town upon the terms and conditions aforesaid and under the terms and conditions of the agreement hereinbefore in part recited, bearing date the 11th day of February, A. D. 1904.

Therefore the council of the Town of Whitby enacts as follows:

That it shall be lawful for the council of the corporation of the town of Whitby to exempt from the payment of all municipal taxes for so much of the term of five years from and after the date of the first day of March, 1904, the whole of the lands, buildings, machinery, plant and stock in trade as shall be *bona fide* continuously used by the said The Farmers' Co-operative Harvesting Machine Company, Limited, their successors or assigns as described in the said agreement of the eleventh day of February, 1904, for the purpose of manufacturing harvesting and other machinery, the assessment of the said premises remaining unchanged during such occupation.

That it shall be lawful for the council of the corporation of the Town of Whitby to supply from their system of waterworks, free of charge to the company, such water as it shall require in the conduct of its business as soon as the waterworks system now under construction, is completed, and also upon the company's installation in wiring and lamps in said premises to supply sufficient electric current for proper lighting of said foundry and warehouse premises from the lighting plant to be erected under the Town Electric Light and Waterworks By-law, free of charge and to pay the expenses of lighting until the installation of said electric light plant.

That it shall be lawful for the said council in each of the five years next after the first day of March, 1904, during which the

said

said company shall manufacture on the said premises and sell harvesting and other machinery as in said agreement provided to pay to the said company the sum of $300, and after the first year the said sum is to be paid half-yearly in advance as the equivalent of the annual rental of the said premises.

That it shall be lawful for the said corporation to lease to the said company the warehouse and premises on the west side of Brock street near the said foundry premises during the said term of five years at a rental of one cent per annum, free from all taxes, while the said company is so regularly engaged in the manufacture and sale of such machinery.

It shall be lawful for the council of the corporation of the Town of Whitby to pay or to do the cartage work hereinafter mentioned or cause to be paid the amount actually expended by the said company for cartage of their plant, machinery, stock and materials within the Town of Whitby, the same not to exceed during the whole period the sum of $2,000.

During the said term of five years or for such shorter period as the said company will occupy the said foundry premises, also the warehouse premises and engage in the manufacture and sale of such harvesting machines in accordance with the said agreement, so as to enable them to acquire such payments for rent and cartage to be made to them, there shall be raised annually by special rates on all the rateable property in said town not used as farm lands in blocks of twenty acres, the said sums of $400 and $300 for the payment of the said rent and the doing or payment of the said cartage, being in all the sum of $700 in each of said years.

This by-law shall take effect on the day of the final passage thereof and authorize the payments as hereinbefore mentioned and in acordance with the said agreement.

The votes of the electors of the said Town of Whitby entitled to vote thereon shall be taken on this by-law at the following times and places, that is to say, on Monday, the 13th day of March, 1905, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day by the following Deputy Returning Officers:—

Polling sub-division No. 1, at W. H. Crosby's office. D. R. Vickers, Deputy Returning Officer.

Polling sub-division No. 2, at D. Ormiston's office. James Shaw, Deputy Returning Officer.

Polling sub-divsion No. 3, at the council chamber. Levi Fairbanks, Deputy Returning Officer.

Polling sub-division No. 4, at J. H. Long's old office. R. S. Cormack, Deputy Returning Officer.

Polling sub-division No. 5, at Miss Pierson's house. John W. Wilson, Deputy Returning Officer.

On Saturday, the eleventh day of March, 1904, the mayor of the said Town of Whitby shall attend at the council chamber at 2 o'clock in the afternoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

The clerk of the council of the said Town of Whitby shall attend at his office in the town hall at one o'clock in the afternoon of Tuesday, the fourteenth day of March, 1905, to sum up the number of votes for and against the by-law.

SCHEDULE "B."

BY-LAW No.

A By-law to aid the Keystone Sugar Company, Limited, by granting thereto the sum of Twenty-five Thousand Dollars by way of Bonus, to issue Debentures therefor to provide for payment of such Debentures, and for granting certain exemptions from Taxation for ten years to said Company.

Whereas

Whereas The Keystone Sugar Company, Limited, hereinafter called "the company," have proposed to establish within the Town of Whitby a factory for the manufacture of beet root sugar of the kind and capacity hereinafter mentioned, and

Whereas the corporation of the Town of Whitby has determined to aid the said company in the construction and carrying on of the said factory by granting thereto a cash bonus of $25,000 and by exempting the lands to be acquired by them, their plant, factory and appurtenances from municipal taxation, except as to school tax, for a period of ten years, and to fix an assessment at value at which the said factory and the entire assets of the said company, other than lands and buildings used for residential purposes in the said town shall be assessed during the said period of ten years, and

Whereas it will be necessary for the said corporation to issue debentures to the extent of $25,000, as hereinafter mentioned, payable in forty years at farthest from the date on which the said debentures shall be issued, and

Whereas the amount of the whole rateable property of the said Town of Whitby according to the last revised assessment of the said town is the sum of $812,407.00;

And whereas the existing debenture indebtedness upon the whole assessed property of the said town is $56,406.90 for principal and $ for interest, and no part of the said principal or interest is in arrears, and

Whereas the existing debenture indebtedness on that part of the said town which is not composed of lands used for farming purposes and being in blocks of not less than twenty acres, is the sum of $73,141.55 for waterworks, electric light and cement sidewalks, and

Whereas it will require the sum of $1,263.10 to be raised annually by special rate for the payment of the said debt and interest in each year for the term of forty years, and

Whereas the said bonus is to be granted and payable only on the terms and conditions hereinafter more particularly set out;

Therefore the municipal council of the corporation of the Town of Whitby enacts as follows:—

That the mayor of the said town is authorized and required to issue forty debentures of this corporation, each for the said sum of $1,263.10, and payable one on the first day of October in each of the forty years next, after the first day of October, 1906, and the amount of the said respective debentures shall be made up of a portion of the said principal sum of $25,000, and of the interest for the year then past respectively on the amount of the principal money from time to time remaining unpaid, and according to the schedule following, that is to say:—

	Principal.	Interest.
1907	$263 10	1,000 00
1908	273 63	989 47
1909	284 57	978 53
1910	295 96	967 14
1911	307 80	955 30
1912	320 11	942 99
1913	332 91	930 19
1914	346 23	916 87
1915	360 08	903 02
1916	374 48	888 62
1917	389 46	873 64
1918	405 04	858 06
1919	421 24	841 86
1920	438 09	825 01
1921	455 61	807 49

	Principal.	Interest.
1922	473 84	789 26
1923	492 79	770 31
1924	512 50	750 60
1925	533 00	730 10
1926	554 32	708 78
1927	576 50	686 60
1928	599 56	663 54
1929	623 54	639 56
1930	648 48	614 62
1931	674 42	588 68
1932	701 40	561 70
1933	729 45	533 65
1934	758 63	504 47
1935	788 97	474 13
1936	820 53	442 57
1937	853 35	409 75
1938	887 49	375 61
1939	922 99	340 11
1940	959 91	303 19
1941	998 30	264 80
1942	1,038 24	224 86
1943	1,079 77	183 33
1944	1,122 96	140 14
1945	1,167 87	95 23
1946	1,212 88	50 22

which said debentures shall be sealed with the corporate seal of the said town and signed by the mayor and countersigned by the treasurer thereof, and shall be dated on the first day of October, 1906, and the interest on the said principal money shall be computed at the rate of four per cent. per annum, and the said debentures shall be payable at the office of the treasurer of the said town.

2. That the mayor of the said town shall cause the said debentures to be sold at the highest price that can be obtained therefor, and the proceeds thereof shall be paid to the said company so soon as they shall have complied with the provisions of subsection "G" of this section of this by-law, and shall have entered into binding agreement with the said corporation to comply with the conditions herein set forth, that is to say:—

(*a*) The company shall before the first day of September, 1906, cause to be constructed, erected and equipped upon a suitable site within the limits of the said town, buildings suitable for the purposes of a factory for the manufacture of sugar from sugar beets, and shall fully and completely equip and place in said building all necessary plant and machinery for the manufacture and refining of fully refined or standard granulated sugar from sugar beets. The said manufactory, plant and machinery to be of sufficient capacity for the manufacture of sugar from at least of 500 tons of sugar beets daily, the said plant and machinery shall be of the most approved and latest design, and the company shall expend in the construction of said building and the equipment of the said plant and machinery a sum not less than $500,000.00.

(*b*) The company shall properly maintain and repair and shall operate the said building, plant and machinery as a sugar factory each year during the term of ten years next after the payment to the company of the bonus of $25,00.00 to the fullest extent that the supply of sugar beets in the district tributary to the said factory would admit of. Provided that in case the company should be prevented from operating their factory by reason of a deficient crop of sugar beets, or be hindered or delayed by casualties, combines, strikes or stress of weather by which said company cannot successfully operate its said factory as aforesaid, then the said company shall be relieved from so operating while so prevented, hindered

dered and delayed, but the balance of the said term of ten years in the operations of the said company shall subsequently be made good.

(*c*) The company when employing workmen shall give the preference to residents of the said Town of Whitby, and shall pay the men employed in said factory in cash at least fortnightly.

(*d*) The company shall not engage, directly or indirectly, in business as merchants in the said Town of Whitby nor in the Township of Whitby, so as to come into competition with the retail merchants of the said town and township.

(*e*) The company shall, if so desired by the corporation, furnish to it at least one hundred tons of cinders annually during the said term of ten years for the purposes of the said corporation only, free of charge provided there is a sufficient accumulation of cinders from the business of said company each year to permit of the furnishing of the same.

(*f*) The said company shall use their best endeavor to dispose of and care for all pulp, lime and other substances, solid or fluid, upon their lands connected with the factory or otherwise, so as not to cause the same to be discharged into the waters of Lake Ontario at such a point that the supply of water to be furnished to the Town of Whitby by its waterworks system shall be polluted and made unfit for use for domestic purposes or cause injury to or the destruction of the water pipes and machinery in connection with the said waterworks system or to the boiler and other machinery of manufactories supplied by the said waterworks system.

(*g*) The corporation shall upon the completion of the said buildings, plant and machinery, and when the said factory shall be in complete working order and fully in operation, and capable of manufacturing sugar from sugar beets of the quantity and quality hereinbefore mentioned pay over to the company as a bouns the sum of $25,000.00 in legal currency; Provided always that none of the above debentures shall be issued or sold, nor shall any money be paid hereunder until the said company shall have in all respects complied with the foregoing conditions as to the erecting the said factory and supplying the same with such necessary plant and machinery as aforesaid at a cost of not less than $500,000.00.

(*h*) Provided that in case the company shall make default in any of the terms and conditions of this agreement or cease to maintain and operate said factory within the true intent and meaning thereof for the said period of ten years, or shall go into liquidation or be unwilling to continue to operate the same, the company may give to the corporation six months' notice in writing of their intention to terminate the same, and at the expiration of such notice the above mentioned obligation of the company as to carrying on the said business for the time above mentioned shall cease and determine, and on such default or upon such notice the said company shall immediately repay and refund to the corporation the said bonus or a proportionate part thereof calculated on the following basis, namely:— The sum of $2,500.00 for each and every year which shall remain of the period of ten years for the carrying on of the said business as hereinbefore provided, from the time of the said default or the giving of such notice, and in any such events the said amounts shall become due and payable forthwith by the said company, and tho said corporation shall in addition to and without prejudice to the other remedies which the said corporation may have for the collection of the same rank therefor as creditors upon a winding up of the said company.

(*i*) It is expressly understood and agreed between the parties hereto that the said bonus of $25,000.00 or the proportionate part thereof calculated as aforesaid for each year in which the said company shall not during the said period of ten years carry on the business aforesaid as hereinbefore provided, shall be payable to the said corporation by the said company as liquidated damages,

and

and as an ascertained amount without the said corporation being required to prove the amount of damages actually sustained by reason of the non-performance by the said company of their agreement so to carry on their said business for the said period of ten years from the commencement of its operations.

(*j*) And that in the event of the buildings of the said company or any principal part thereof being destroyed by fire and the said company not rebuilding the same then in addition to any other remedy herein provided the salvage and material upon the said lands, after such fire, shall be charged with the repayment of the amount of bonus to be refunded to this corporation by reason of the company ceasing to carry on its business for the said term of ten years.

3. That the property and assets of the said company shall be exempt from municipal taxation, except as to school tax for a period of ten years from the date of the completion of the said factory, but such exemptions shall not extend to the assessment of any property acquired for residential purposes, and for the purpose of taxation for school purposes a fixed assessment of $100,000 upon all the property, assets, plant and machinery of said company as aforesaid and no more shall be made for the period of ten years from the completion of said factory and such assessment of $100,000 shall not be increased on account of any subsequent addition to the said plant, buildings and machinery, residential property excepted, during said ten years.

4. The said sum of $1,263.10 required as aforesaid to be raised, levied and collected in each year during the said period of forty years shall be so raised, levied and collected in each year by a special rate sufficient therefor on all the rateable property within the municipality of the said Town of Whitby liable to assessment for municipal and school rates.

5. This agreement shall not come into force nor be binding upon the said corporation unless and until the said company shall have entered into a binding agreement with the said corporation to comply with the conditions hereinbefore set forth, nor until the said by-law shall be approved of by the requisite number of ratepayers entitled to vote thereon as required by the *Consolidated Municipal Act, 1903*, and the amendments thereto, nor until the said by-law shall have been assented to and approved of by writing under the hands of a majority of the owners of lands in the said town used as farm lands only, in blocks of not less than twenty acres, whose lands are by the provisions of by-law number 631 of the said town exempt from taxation for the payment of any bonus in aid of manufactories, nor until the said by-law and the agreement therein referred to shall have been legalized and confirmed by an Act of the Legislature of Ontario, and which Act shall contain a declaration in words and effect following:—The signature by owners of lands used for farming purposes only and in blocks of not less than twenty acres, of a request to the council of the Town of Whitby for the submission of the said by-law, the voting thereon by such owners of farm lands, the passing of the said by-law and the passing of this Act shall not in any wise impair, diminish or otherwise prejudice or interfere with the rights, immunities, privileges and benefits granted to such owners of farm lands under said by-law No. 631 of the Town of Whitby or the said Act legalizing the said by-law.

6. This by-law shall take effect upon, from and after the confirmation of the same by the Legislature of Ontario.

7. Notwithstanding anything contained in said by-law number 631 and *The Act respecting the Town of Whitby* confirming the same all owners of lands used as farm lands in blocks of not less than twenty acres shall be entitled to vote upon the said by-law.

8. The vote of the qualified electors of the said Town of Whitby including the vote of the said owners of farm lands shall be taken on

on this by-law by ballot pursuant to the *Municipal Act* on the 28th day of April, 1905, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, and at the places and by the Deputy Returning Officers hereunder specified, that is to say:—

Polling sub-division No. 1, at Crosby's office. D. R. Vickers, Deputy Returning Officer.

Polling sub-division No. 2, at D. Ormiston's office. James Shaw, Deputy Returning Officer.

Polling sub-division No. 3, at council chamber. L. Fairbanks Deputy Returning Officer.

Polling sub-division No. 4, at J. H. Long's office. R. S. Cormack, Deputy Returning Officer.

Polling sub-division No. 5, at Miss Pearson's house. J. W. Wilson, Deputy Returning Officer.

That the clerk of this council shall sum up the votes given for and against the by-law at the council chamber, on Saturday, the 29th day of April, 1905, at the hour of one o'clock in the afternoon.

That the mayor of the said town shall attend at the said council chamber on Wednesday, the 26th day of April, at the hour of two in the afternoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

CHAPTER

CHAPTER 87.

An Act respecting the City of Windsor.

Assented to 25th May, 1905.

Preamble.

WHEREAS the municipal corporation of the City of Windsor has, by petition, prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

4 Edw. 7, c. 74, s. 1, repealed.

1.—(1) Section 1 of an Act respecting the City of Windsor, passed in the 4th year of the reign of His Majesty, Chaptered 74, is repealed and the following section substituted therefor:

Constructing pavements of asphalt, brick, etc.

1. "Notwithstanding anything contained in by-law number 982 of the corporation of the City of Windsor, confirmed by an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 108, in the event of a two-thirds majority of the owners of real property fronting or abutting upon any portion not less than one thousand feet in length of that part of any thoroughfare or street particularly mentioned and defined in the schedules to the said by-law number 982, according to the last revised assessment roll of the City of Windsor, such owners, representing more than two-thirds in value thereof desiring to have the same paved with asphalt, brick, or other durable material rather than with macadam, and not later than the fifteenth day of December preceding the year in which, according to Schedule B to said by-law, such part of such thoroughfare or other street is to be paved with macadam, shall over their respective signatures petition the council of the corporation of the City of Windsor to substitute upon such part of such thoroughfare or other street for macadam either of the aforesaid kinds of pavement

pavement; the majority of such owners and the value of such property as appears by last revised assessment roll, as aforesaid, having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf, the council for the time being may by a two-thirds vote comply with the prayer of such petition by constructing the kind of pavement therein asked for, and out of the then current year's instalment of the loan provided for by by-law 982 contribute towards the cost thereof a sum equal to the sum a macadam pavement upon such portion of thoroughfare or other street would cost; the last named cost to be determined by the then ascertained cost of macadam per square yard upon the streets of a similar character, and to pass any by-law or by-laws that may be necessary to provide temporarily the amount of cost of such other kind of pavement over and above the cost of constructing macadam on said thoroughfare or street, and to levy and collect said excessive cost by a special equal annual rate upon said real property for and during a period of ten years from and after the completion of said work; and after such final determination no name shall be withdrawn from said petition without the consent of the council. The levy made by the council shall be final, but if, at any time, it is made to appear that through error any person has been assessed too high the council may remit the amount of such excess assessment and, if desirable, charge same to current expenses.

Cedar blocks, when to be deemed durable material.

(2) Cedar blocks laid on at least four inches of concrete shall be deemed a pavement of "durable material" here under; but this subsection shall not otherwise have the effect of limiting the meaning of "durable material."

Petition of owner not named on assessment roll.

(3) Any owner of real property fronting or abutting upon any portion not less than one thousand feet in length of that part of any thoroughfare or street particularly mentioned and defined in the schedules to the said by-law 982, may, notwithstanding his name does not appear on the last revised assessment roll of the municipality, petition for said pavement other than macadam upon satisfying the clerk of the municipality by statutory declaration, or otherwise, that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll.

Section 9 of By-law 982, repealed.

2. Notwithstanding anything contained in paragraph IX of said by-law number 982 of the corporation of the City of Windsor in the event of a majority of the owners of real property fronting or abutting upon that part of any thoroughfare

or

or other street particularly mentioned and defined in the schedules thereto, according to the last revised assesment roll of the City of Windsor, such owners, representing more than one-half in value thereof, desiring to have the same paved with asphalt, brick, or other durable material rather than with macadam and not later than the fifteenth day of December preceding the year in which, according to Schedule B therein, such part of such thoroughfare or other street is to be paved with macadam, shall over their respective signatures petition the said council to substitute upon such part of such thoroughfare or other street for macadam either of the aforesaid kinds of pavement; the majority of such owners and the value of such property as appears by the last revised assessment roll, as aforesaid, having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf, it shall be the duty of said council for the time being to comply with the prayer of such petition by constructing the kind of pavement therein asked for and out of the then current year's instalment of the aforesaid loan contribute towards the cost thereof a sum equal to the sum a macadam pavement upon such portion of thoroughfare or other street would cost; the last named cost to be determined by the then ascertained cost of macadam per square yard upon other streets of a similar character, and to pass any by-law or by-laws that may be necessary to provide temporarily the amount of the cost of such other kind of pavement over and above the cost of constructing macadam on said thoroughfare or street and to levy and collect said excess of cost by a special equal annual rate upon said real property for and during a period of ten years from and after the completion of said work; and after such final determination no name shall be withdrawn from said petition without the consent of the council. The levy made by the council shall be final, but if, at any time, it is made to appear that through error any person has been assessed too high the council may remit the amount of such excess assessment, and, if desirable, charge same to current expenses.

(2) Cedar blocks laid on at least four inches of concrete shall be deemed a pavement of "durable material" hereunder; but this subsection shall not otherwise have the effect of limiting the meaning of "durable material."

(3) Any owner of real property fronting or abutting upon that part of any thoroughfare or street particularly mentioned and defined in the schedules to the said by-law 982, may, notwithstanding his name does not appear on the

the last revised assessment roll of the municipality, petition for said pavement other than macadam upon satisfying the clerk of the municipality by statutory declaration or otherwise, that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll.

By-laws set out in Schedule "A." confirmed.

3. The by-laws of the corporation of the City of Windsor specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof, are hereby declared legal and valid, and binding upon the said corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass said by-laws, and notwithstanding any defect in substance or in form of said by-laws or in the manner of the passing of the same.

Confirmation of work done under by-law 982, etc.

4. All works performed under and in connection with said by-law number 982 during the year 1904 in so far as the same were performed under the provisions of said by-law No. 982 or of the provisions of *The Consolidated Municipal Act, 1903* or this Act, shall be deemed to have been legally performed and executed and all assessments to be made therefor and all debentures to be issued therefor, provided that the same are as nearly as may be in accordance with the provisions of the said by-law and of this Act are hereby legalized and validated.

Pending litigation not affected.

5. Nothing in this Act contained shall prejudice or affect the rights of parties in any action or litigation now pending, and the same shall be adjudicated upon as if this Act had not been passed.

SCHEDULE

SCHEDULE A.

No. of By-law.	Nature of Work.	Under By-law.	When passed by Council.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by ratepayers.	Periods of payment.	Rate of interest.
1,130	Ouellette Street, Asphalt Block, London to Wyandotte Sts...	982	Oct. 10, 1904	$10,797 77	$2,421 02	$8,376 75	10 equal instalments.	4½
1,130	Glengarry Avenue.	982	Oct. 10, 1904	$23,396 65	$8,207 07	$15,189 18	10 equal instalments.	4½

CHAPTER

CHAPTER 88.

An Act respecting the Debt of the City of Woodstock.

Assented to 25th May, 1905.

Preamble.

WHEREAS the corporation of the City of Woodstock, by petition has represented that the said City of Woodstock has, exclusive of local improvement debentures an outstanding debenture debt amounting to $493,751.24; of which no sum whether for principal or interest is in arrear; that the said debt was contracted from time to time for the promotion of railways, the encouragement of manufactures, the building of schools, water works, electric light plant, trunk sewers, market building, fire hall, street paving and other public works within the said city and for the share of the said city under the by-laws of the County of Oxford for the erection of a Court House and House of Refuge in said county; that the amount to be raised yearly on behalf of the said debenture debt for interest and sinking fund aggregates the sum of $37,332; that the value of the whole rateable property of the said city according to the last revised assessment roll is $3,201,475; that the sinking fund for the payment of the said debenture debt has been raised from year to year and now amounts to the sum of $161,860.51; that by the issuing of the debentures hereinafter mentioned a large saving will be effected in the amount of interest payable annually; that it is proposed to submit a by-law to the ratepayers under the provisions of *The Consolidated Municipal Act, 1903*, to raise a sum not exceeding $60,000 for the erection of a new city hall and issue debentures for that amount re-payable in thirty years from the issue thereof, provided the said by-law shall receive the assent of the ratepayers thereto; that the yearly charge on the rateable property of the said city to meet the said debenture debt, together with the necessary annual expenses of the said city is too burdensome on the present ratepayers; and

3 Edw. 7, c. 19.

and whereas the said corporation has prayed that an Act may be passed to empower the said corporation to issue debentures not exceeding $7,000 in any one year for the next succeeding ten years, including the year 1905, repayable in thirty years from their respective dates of issue, for the purpose of meeting a portion of the said debenture debt and also to issue debentures repayable in thirty years from the date of issue thereof for any sum not exceeding $60,000 for the erection of a new city hall, a by-law for such purpose having been first submitted to and having received the assent of the ratepayers of said city in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of certain debentures authorized and application of proceeds.

1. (1) It shall be lawful for the Municipal Corporation of the City of Woodstock to pass a by-law for and authorizing the issue during each of the ten years beginning with the year 1905, and ending with the year 1914, of new debentures not exceeding $7,000 in any one year and payable in thirty years from their respective dates of issue.

(2) The said debentures to be issued under the authority of the said by-law, and all moneys arising therefrom shall be placed to the credit of the sinking fund for the purpose of retiring, redeeming or renewing a portion of the debentures now outstanding against the said corporation and of paying the whole or any part of the said corporation's share of the said county debt falling due within the year in which such county debt shall become payable.

Power to issue debentures for $60,000 for city hall.

2. It shall be lawful for the said corporation to pass a by-law, providing for and authorizing the issue of debentures for a sum not exceeding $60,000, payable in thirty years from their respective dates of issue; the said debentures and all moneys arising therefrom to be applied to the erection and construction of a new city hall.

Payment of debentures and interest.

3. The debentures to be issued as provided by Sections 1 and 2 of this Act shall bear interest at a rate not exceeding four and one-half per centum per annum, payable yearly, and either in Canadian currency or in sterling money of Great Britain and at such places in Ontario or Great Britain as the Municipal Council of the said corporation shall deem proper.

4.

Rate of interest on sinking fund.

4. In settling the sum to be raised annually for the payment of the said new debenture debts the rate of interest on the investment of the sinking fund shall not be estimated at more than four per cent. per annum to be capitalized yearly, and to such extent the rate of interest on such investment may be so estimated by the said council.

Treasurer to keep separate accounts of debentures.

5. The treasurer of the said city, for the time being, shall keep a separate account of the two sets of debentures hereby authorized to be issued, and of the rates directed to be levied in respect thereof, and shall not pay over any portion of the said rates except to the credit of the sinking fund for the purpose of paying principal in respect of the debts or debentures in respect of which such rates shall be raised as aforesaid, and no by-law or resolution of the said council shall be any protection to the said treasurer for any disobedience by him of this enactment.

By-laws to be passed according to 3 Edw. VII. c. 19.

6. The said by-laws shall be passed and the debentures thereunder to be issued and the duties of the officers of the said corporation in respect thereof shall be in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and amendments as now existing.

Annual special rate for sinking fund and interest.

7. Any by-law or by-laws so to be made shall contain provisions for the levying in each year during the currency of the debentures hereby authorised to be issued of an equal annual special rate on all the rateable property within the said city sufficient to pay the yearly interest payable on such debentures and to provide a sinking fund sufficient to pay off the principal of said debentures when they shall fall due, and such rate shall be so levied as therein provided in like manner as other rates.

Assent of ratepayers when and when not required.

8. It shall not be necessary to obtain the assent of the ratepayers of the said City of Woodstock to the passing of the by-law providing for the issue of debentures as set out in subsection 1 of section 1 of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, but it shall not be lawful to issue debentures for the erection of the said City Hall until and after a by-law has been submitted to the ratepayers of the said City of Woodstock and assented to by them under the provisions of the said *Consolidated Municipal Act* authorizing the erection of the said City Hall and the amount to be expended therefor not exceeding the said sum of $60,000 and the issuing of debentures for the cost thereof.

3 Edw. VII. c. 19.

Obligation for present outstanding debentures not affected.

9. Nothing in this Act shall relieve the said corporation of the said City of Woodstock from its liability to the holders of the said now outstanding debentures or shall impair the obligation of the said corporation to pay the said outstanding debentures according to their tenor and effect.

CHAPTER 89.

An Act respecting The Bruce Mines and Algoma Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Bruce Mines and Algoma Railway Company has petitioned for an Act to authorize and empower the said company to construct, lay out, build and operate a railway from a point on the main line of the Canadian Pacific Railway, between Chapleau and Biscotasing Stations, thence northerly and easterly by the most feasible route to Hannah Bay, or some other point on James Bay, in the Province of Ontario, and to construct branch railways, none of which are to exceed twelve miles in length, and to otherwise amend its Act of incorporation;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Line from C.P. Ry. to James Bay.

1. The Bruce Mines and Algoma Railway Company hereinafter called "the company," is hereby authorized and empowered to construct, equip and operate a line of railway from a point on the main line of the Canadian Pacific Railway between Chapleau and Biscotasing, thence northerly and easterly by the most feasible route to Hannah Bay or some other point on James Bay, in the Province of Ontario, and to construct branch railways, none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway.

Bonds.

2. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking to the extent of $25,000 for each mile of the said railway, including main and branch lines thereof pursuant to the provisions of *The Railway Act of Ontario*.

3.

Time for completion.

3. The said railway shall be finished and put in operation within five years of the passing of this Act, and in default thereof the powers conferred by this and previous Acts shall absolutely cease in respect to so much of the railway as then remains uncompleted.

Crown may use right of way for the transmission of power to municipalities.

4.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the said company over the lines authorized by this Act, and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER

CHAPTER 90.

An Act respecting the Canada Central Railway Company.

Assented to 25th May, 1905.

Preamble. WHEREAS The Canada Central Railway Company has by petition set forth that by an Act passed in the 2nd year of the reign of His Majesty, chaptered 69, entitled "An Act to incorporate the Canada Central Railway Company," the time for the commencement and construction of the said railway was fixed at three years from the date of the passing of the said Act; and whereas by an Act passed in the 3rd year of the reign of His Majesty, chaptered 92, entitled "An Act to amend the Act incorporating The Canada Central Railway Company," the said company was authorized to lay out, construct and operate the lines of railway therein mentioned; and whereas the said company has expended a large sum of money in making the surveys in connection with the construction of the said lines; and whereas owing to engineering difficulties and consequent delay in locating the permanent lines of the said railway the said company has been unable to commence the construction of the said railway within the time limited by the said Act; and whereas it is advisable to add to the provisional board of directors of the said company the persons hereinafter named; and whereas the company desires to be authorized to construct and operate lines of railway in addition to those it is already authorized to construct and operate and that owing to the cost of construction of the said lines of railway it is necessary to increase the powers of the said company as to the issue of bonds to $30,000 per mile; and whereas the said company has by the said petition prayed that an Act may be passed for the purposes set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

2 Edw. VII. c. 69, s. 55 repealed. Company continued.

1. Section 55 of the Act passed in the 2nd year of His Majesty's reign, chaptered 69, is repealed, and notwithstanding anything in the said Act contained the said Act is declared to be and to have been in force from the date of the passing of the said Act, and the said company is declared to be and to have been a valid and subsisting corporation.

Time for commencement and completion.

2.—(1) The construction of the said railway shall be commenced within one year and completed within three years from the date of the passing of this Act.

(2) That part of the said railway between Sudbury and Little Current described in subsection (*a*) of section 4 of this Act shall be commenced within two years from the passing of this Act, and the sum of $150,000 in cash shall be expended on the said part of said railway within the said two years, of which sum at least $75,000 shall be expended on the south-westerly part thereof extending north-easterly from Little Current.

2 Edw. VII. c. 69, s. 4 amended. Provisional directors.

3. Section 4 of the said Act is amended by inserting therein after the word "manufacturer" in the 8th line of the said section the words "Francis Hector Clergue, of the Town of Sault Ste. Marie, in the District of Algoma, Manufacturer; William Morris, of the City of Toronto, in the County of York, Barrister-at-Law; George E. Drummond, of the City of Montreal, in the Province of Quebec, Manufacturer; William Henry Plummer, of the said Town of Sault Ste. Marie, Merchant; John MacArthur, of the Village of Hensall, in the County of Huron, Banker; and William Ashall Firstbrook, of the Town of Penetanguishene, in the County of Simcoe, Manufacturer."

Additional lines of railway.

4. The said Canada Central Railway Company may lay out, construct and operate the following lines of railway in addition to lines of railway authorized by the said Act passed in the 2nd year of His Majesty's reign, chaptered 69, and the Act passed in the 3rd year of His Majesty's reign, chaptered 92.

(*a*) From some point in or near the Town of Sudbury, in the District of Nipissing, through the Townships of McKim, Snider and Creighton, thence in a direction southerly and westerly to a point in or near the Town of Little Current, in the District of Manitoulin, thence southeasterly through the Island of Manitoulin to a point on the south shore of said Island, or Fitzwilliam Island, and from said point on Manitoulin or Fitzwilliam Island to a point

point at or near Tobermoray, in the County of Bruce, thence southeasterly through the counties of Bruce and Grey to the Town of Meaford; but notwithstanding anything in this Act or any Act respecting the company contained, the railway of the said company shall not be operated by any motive power other than steam in the Counties of Haliburton, Victoria, Ontario, Durham, York, Grey and Bruce.

(*b*) From some point in or near the said Town of Sudbury, thence northeasterly to Lake Wahnapitae.

(*c*) From a point in or near said Town of Sudbury, thence westerly and northerly to a point on the St. Mary's River or Lake Superior not further west than the mouth of the Michipicoton River.

(*d*) From a point in or near the said Town of Sudbury to the Township of Hutton, about twenty-five miles.

(*e*) From a point on the line of the said railway between Sudbury and the St. Mary's River, or Lake Superior but not further east than Garden River or further west than Michipicoton River, to some point on the line of the Grand Trunk Pacific Railway not more than twenty-five miles west of the Kabinakagami River, thence northeasterly to a point not more than twenty-five miles westerly from Old Brunswick House, thence northeasterly to a point twenty-five miles, or less, from Moose Factory, thence to James Bay.

2 Edw. VII. c. 69, s. 2 amended. Bonds.

5. Section 20 of the said Act passed in the 2nd year of His Majesty's reign is amended by striking out the figures "$20,000" at the end of the 4th line of the said section and inserting in lieu thereof the figures "$30,000."

Rights and powers as to additional lines.

6. The said company may exercise with regard to such lines all the powers and privileges given to the said corporation by the said Act passed in the 2nd year of the reign of His Majesty, chaptered 69, and the said Act passed in the 3rd year of the reign of His Majesty, and chaptered 92, respectively, as amended by this Act, subject to the limitations and conditions therein contained.

Company may lease or buy certain lines.

7. The company may lease or buy or operate the railways of The Algoma Central and Hudson Bay Railway Company, and The Manitoulin and North Shore Railway Company, or either of them, upon such terms and conditions

tions as may be agreed upon between the several companies or any of them, subject to the approval of the Lieutenant-Governor in Council.

2 Edw. VII. c. 69 s. 50, amended

8. Section 50 of *The Act to incorporate the Canada Central Railway Company*, being chapter 69 of the Acts passed in the 2nd year of His Majesty's reign, is amended by inserting after the word "Company" in the 5th line the words "The Grand Trunk Pacific Railway Company."

3 Edw. VII. c. 5 s. 17, amended.

9. Section 17 of the Act passed in the 3rd year of His Majesty's reign, chaptered 5, is amended by changing the word "or" to "and" in the 5th line thereof.

Agreements with other companies to be subject to regulations.

10. The authority and power conferred on the company by this Act and the various Acts relating to the said company to enter into agreements with any other railway company for amalgamation, connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Crown may use right of way for the transmission of power to municipalities.

11.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

(2)

(2) The provisions of this Act and of the various Acts relating to the company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality. Act to be subject to general provisions as to Crown transmitting power to municipalities.

12. In case it is proved to the satisfaction of the Railway Committee of the Executive Council of Ontario that the said sums mentioned in subsection 2 of section 2 of this Act have not been expended within the time and for the purposes in the said subsection set forth, all rights powers and privileges granted by this Act shall be absolutely forfeited and become null and void and of no effect. If expenditure required not made company to forfeit rights.

CHAPTER

CHAPTER 91.

An Act respecting the Guelph Radial Railway Company, and to confirm a By-law of the Corporation of the City of Guelph.

Assented to 25th May, 1905.

Preamble.

WHEREAS it has been made to appear that in pursuance of the Act passed in the third year of the reign of His Majesty King Edward the Seventh, Chaptered 95, intituled *An Act Respecting The Guelph Railway Company and to change the name of the company to that of the Guelph Radial Railway Company* the Council of the Corporation of the City of Guelph acquired the paid up capital stock of the said company, and took a conveyance of the Puslinch Lake property therein referred to, and that the said council has passed by-laws appointing five persons to be elected Directors of the company, and that the affairs of the said railway company have since the month of December, 1903, been carried on under such Directors for the said municipal corporation; and whereas the said council has by petition prayed that a certain by-law of the said city corporation, being By-law No. 525, intituled "A by-law to provide for the extension and improvement of the Guelph Radial Railway, for the purchase and improvement of property for a park and other purposes, and to provide for the issue of debentures for $30,000 for the said purposes," being a by-law which was submitted to the electors of the said city at the annual municipal elections held therein on the 2nd day of January, last past, and approved by a majority of the said electors voting thereon, and afterwards passed by the said council, should be confirmed and legalized; and whereas the said council and the said railway company have also by petition prayed that the said Act, Chaptered 95, and the other Acts relating to the said railway may be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1.

By-law in Schedule "A" confirmed.

1. The said by-law of the said municipal corporation as set forth as Schedule "A" to this Act is confirmed, and the Mayor and Clerk of the said city are hereby authorized to sign the same and attach the Corporate Seal of the city thereto, and thereupon the said by-law shall be legal, valid and binding on the said municipal corporation and the ratepayers thereof, to all intents and purposes, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law and notwithstanding any defect or error in substance or in form in the said by-law or in the manner of passing the same or otherwise, and the debentures authorized to be issued by the said by-law are hereby declared to be and the same shall be valid, legal and binding upon the said corporation and the ratepayers thereof anything contained in *The Consolidated Municipal Act, 1903*, or any other Act to the contrary notwithstanding. And the Mayor and Clerk and other officers of the said corporation are hereby authorized and empowered to do all necessary acts to complete and perfect the said by-law and for the full and proper carrying out of the provisions of the said by-law as a valid and legal by-law, and the issue of valid debentures thereunder.

3 Edward VII. c. 19.

Time for commencement and completion of railway extended.

2. Notwithstanding anything to the contrary contained in section 25 of the said Chapter 95, the undertaking authorized by the Act passed in the first year of His Majesty's reign, Chaptered 79, and by the said Act, Chaptered 95, may be lawfully commenced in three years and put in operation within seven years after the passing of this Act; and in default thereof, the powers by the said Act, Chaptered 95, conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. All the powers conferred by the said Act, Chaptered 95, and the other Acts relating to the company and therein referred to are hereby revived and shall be deemed to be in full force and effect, subject to the provisions of this Act, and the company as now constituted may exercise all the powers by the said Acts and by this Act conferred.

Issue of new bonds to retire outstanding bonds authorized.

3. The Directors of the company for the purpose of retiring the bonds and securities therefor heretofore issued by the company being bonds for $48,000 of principal money may cause to be issued new and other bonds, debentures or other securities to the same amount in the aggregate, to be signed by the President or other presiding officer and countersigned by the Secretary, as in manner provided by Section 20 of *The Electric Railway Act*; and such new bonds, debentures or other securities may include security upon the company's property in the same manner, and to

Rev. Stat. c. 209

the

the extent, if deemed necessary, as for the existing bonds, and may be made payable in such manner and at such places and bear such rate of interest, not exceeding six per cent. per annum, as the Directors may think proper. And the Directors may issue, sell or pledge all or any of the said new bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money to retire the said existing bonds. And it shall not be necessary to the validity of such new bonds, debentures or other securities to procure the authority of the shareholders for the issue thereof. The provisions of Sections 21 to 25 inclusive of the said *Electric Railway Act* shall apply to such new issue of bonds, debentures and other securities.

City authorized to guarantee bonds or take stock in Railway Co. to $48,000.

4. The Council of the Corporation of the City of Guelph may pass a by-law either to guarantee the payment of the principal and interest of the said new bonds, or to subscribe for $48,000 additional in the capital stock of the company and for such purpose to borrow upon debentures of the said municipal corporation the sum of $48,000 to be applied to pay off the said existing bonds and for no other purpose. And the provisions of *The Consolidated Municipal Act, 1903*, in that behalf with respect to by-laws for creating debts shall be applicable to any such by-law and to the debentures to be issued thereunder, except that it shall not be necessary to submit the by-law for the assent of the electors of the said city.

3 Edw. VII, c. 19.

Guarantee of bonds issued for construction of branch lines, etc.

5. The council of the said municipal corporation may pass a by-law or by-laws to guarantee the bonds of the company to be issued for, or in connection with the construction of any of the authorized branches of the Railway or to subscribe for additional shares in the capital stock of the company to provide money to construct or aid in constructing any of the said branches or to provide money for the extension or betterment of the said railway or the purchase and improvement of further parks or property therefor. And for any of such purposes to provide for the issue of debentures of the city corporation; but no such by-law shall be valid unless it shall before the final passing thereof receive the assent of a majority of the electors of the city voting thereon, who are entitled to vote on by-laws for the creation of debts. The debentures to be issued under any such by-law in this section authorized may be made payable in 30 years at the furthest from the time or times when the same are issued.

6.

3 Edw.VII. c.95, s. 16, repealed.

Power to connect with and enter into agreements with other companies.

6. Section 16 of the said Act, Chaptered 95, is repealed and the following substituted therefor :—"16. The company may at any points at or near to their line of railway connect its tracks with the tracks of any other railway company or companies, the line or lines of which are approached or crossed by the line or lines of the company. And it shall be lawful for the directors of the company to enter into any agreement with any such other railway company or with any railway company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in any of the municipalities named in Section 2 of this Act, and through or in which any authorized branch of the railway is authorized to be constructed, if such other company or companies are lawfully authorized to enter into such an agreement, for conveying or leasing to such other company any of the branches not already constructed of the company's railway in whole or in part, or any rights or powers under this Act or otherwise of the company in respect to any of such branches, and also the franchises, surveys, plans, work, plant, material, machinery and other property, if any, belonging or appertaining to any such branch, and the Directors of the Company may also enter into any agreement with any other company aforesaid to amalgamate with, purchase, lease or otherwise acquire such other railways or any of them or any part or parts thereof or to make arrangements with such other companies or any of them for the interchange of passenger or freight traffic; or for the use by either company of the property, freight, buildings, plant, material, rolling stock, machinery, appliances or facilities of the other, or for the supply of motor power, heat or light by either company to the other, or any other joint arrangement respecting the running arrangements of such companies, or any of them, and the conduct of the joint traffic of the companies which may be parties to any such agreement. Provided that nothing done under this section shall be valid until the same shall be authorized by by-law of the Council of the Corporation of the City of Guelph and also until the consent of the Councils of the Corporation of the other municipality or municipalities affected thereby or the approval of the Railway Committee of the Executive Council of Ontario has been first obtained, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario."

Proviso.

When assent electors required to By-law *re* sale or lease of Railway.

7. No by-law of the said council of the said city with respect to any sale, lease or other disposal of the Guelph Radial Railway, within the limits of the City of Guelph, or the extensions thereof known as the Cemetery Extension

and

and the College Extension otherwise called Extensions one and two, or of any branch of the railway which may be hereafter constructed with the aid of the proceeds of bonds guaranteed by, or of additional stock in the railway company taken by the said municipal corporation or any other property so acquired by the company, nor any by-law for the sale, transfer or disposal under Section 38 of the said Chapter 95 or otherwise, of the capital stock now held or which hereafter may be held by the said municipal corporation in the company or any part thereof shall be valid unless and until the assent of the electors of the City of Guelph entitled to vote on by-laws for creating debts be given thereto in manner provided in *The Consolidated Municipal Act, 1903.*

Powers of expropriation. Rev. Stat. c. 209

8. Notwithstanding anything contained in *The Electric Railway Act* to the contrary the company may exercise all powers of expropriation provided by that Act without the consent of the council of the municipality in which the lands sought to be expropriated are situate, and without the certificate of the County Judge, upon the Railway Committee of the Executive Council of Ontario so ordering and the said Railway Committee may on the application of the company authorize and order that the said company may have and exercise such powers of expropriation.

Steam as motive power during construction of road.

9. The company is hereby authorized to use upon their line of railway, steam as a motive power, during the construction of the road and at other times for construction purposes.

Purchase of power from other companies.

10. The company shall have power to enter into any agreement with any other company or person for the purchase, leasing or hiring of power to run their compressed air or electric motors, or other motors, carriages or cars, or for lighting or heating them, or for any other purposes for which it may be required by the company.

Conveyance of Puslinch Lake property to railway company authorized.

11. The council of the Corporation of the City of Guelph may pass a by-law either to convey to the Railway Company the property known as the Sleeman Puslinch Lake property in the said Act, Chaptered 95, referred to, or to provide for transferring the management of such property to the Directors of the company on such conditions and subject to such restrictions as the Council may see fit.

3 Edw. VII. c. 95 s. 37, amended.

12. Section 37 of the said Act, Chaptered 95, is amended by striking out the last nine lines of such section, beginning with the word "provided."

SCHEDULE

SCHEDULE A.

The Corporation of the City of Guelph.

By-law No. 525.

A By-Law to provide for the extension and improvement of The Guelph Radial Railway, for the purchase and improvement of property for a Park and other purposes, and to provide for the issue of debentures for $30,000.00 for the said purposes.

Whereas under the authority of the Act passed by the Legislature of the Province of Ontario, in the third year of His Majesty's Reign, Chapter 95, the Corporation of the City of Guelph (hereinafter called the City) acquired all the paid-up capital stock of the Guelph Radial Railway Company; and the City has in pursuance of the said Act elected Directors of the said Company, and the said Railway has since been and now is operated under the control of the said Directors for the said City.

And whereas it is expedient in the interest of the said City to provide for the extension of the said Railway to various factories in the City, and also for the completion of the extension known as the cemetery extension thereof and for the purchase and improvement for a Park in conection with the said Railway of the properties known as the Lace properties, and being composed of parts of Lot 34 in Division A in the Township of Guelph, containing together 14 acres, 2 roods, and 20 perches more or less, and also to provide for additional equipment and plant for the said Railway and the profitable operation thereof, and also to provide funds to pay an overdraft to the Bank in connection with expenditures made for the said Railway since it was acquired by the City.

And whereas it is estimated that the earnings of the said Railway will be greatly increased by the additional extensions, improvements, acquisitions, equipments, and plant aforesaid.

And whereas for the purposes aforesaid it is estimated the sum of $30,000.00 will be required and such last mentioned sum will be sufficient for the said purposes.

And whereas in order to provide the money required for said purposes it is expedient that the said City shall subscribe for additional shares in the capital stock of the said Company to the extent of the said sum of $30,000.00, being 300 shares at 100 each, and for the purpose of paying for such stock, it will be necessary to issue debentures of the said City for the said sum of $30,000.00 as hereinafter provided, such sum being the amount of the debt intended to be created by this By-Law, and the proceeds of such debentures shall be applied for the purpose of paying in full the said additional stock for the said purposes and for no other purpose.

And whereas the total amount required by the Municipal Act to be raised annually by special rate for paying the said debt of $30,000.00 and interest is the sum of $1,980.60, whereof $1,350.00 is to be raised annually for the payment of interest during the currency of the said debentures, and $630.60 is to be raised annually for the purpose of creating a Sinking Fund for the payment of the debt secured by the said debentures.

And whereas the amount of the whole rateable property of the said City according to the last revised assessment roll thereof is $4,069,000.

And whereas the amount of the existing debenture debt of the said Municipality is $786,260, exclusive of $127,000 in respect of the local improvement debentures.

And whereas no part of the said principal money and interest of the said debt is in arrear.

Therefore

Therefore the Municipal Council of the Corporation of the City of Guelph enacts as follows:—

1. The Mayor and Treasurer of the said City shall subscribe in the name of the said City Corporation for 300 shares of the capital stock of the Guelph Radial Railway Company of $100 each, or in all the sum of $30,000.00 (additional to the stock now held by the said City) for the purposes in the second recital hereto mentioned.

2. In order to provide the money to pay up in full the said $30,000.00 of additional capital stock debentures of the said City Corporation to the amount of $30,000.00 as aforesaid shall be issued in sums of not less than $100 each. Such debentures to be issued within one month after this by-law shall have been ratified by the Legislature as hereinafter mentioned. Each of which debentures shall be dated on the day of the issue thereof, and the same shall be payable within thirty years from the date of such issue at the office of the Treasurer of the City of Guelph, in the said City.

3. Each of the said debentures shall be signed by the Mayor and Treasurer of the said City, and the Clerk of the said City shall attach thereto the Corporate seal of the Municipality.

4. The said debentures shall bear interest at the rate of 4½ per cent. per annum payable half yearly at the office of the said City Treasurer on the 30th days of June and the 31st days of December in each and every year during the currency thereof, and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the said Treasurer.

5. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said City of Guelph the said sum of $1,350 for payment of interest on the said debentures and the said sum of $630.60 for the purpose of creating a Sinking Fund for the payment of the debt hereby secured, making in all the sum of $1,980.60, to be raised annually by special rates as aforesaid, during each year of the said period of thirty years.

6. This by-law shall come into force and take effect if and when the same shall have been ratified by Act of the Legislature of the Province of Ontario.

7. This by-law shall be submitted to the votes of the electors of the said City of Guelph on the 2nd day of January, 1905, being the day on which the annual elections for the municipal council for the said city is to be held and polls for the taking of votes of the electors on this by-law will be held at the same hour, on the same day and at the same places and by the same Deputy Returning Officers as for the said Municipal election.

8. On Friday, the 30th day of December, 1904, the Mayor of the said City shall attend at the City Hall at ten o'clock a.m., to appoint persons to attend at the various polling places as aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

9. The Clerk of the said City of Guelph shall attend at the said City Hall at eleven o'clock in the forenoon of Wednesday, the 4th day of January, 1905, to sum up the number of votes given for and against this by-law.

Passed this 13th day of February A.D. 1905.

GEO. SLEEMAN,
Mayor.

RICHARD MITCHELL,
Clerk.

CHAPTER

CHAPTER 92.

An Act to extend the time for the commencement and completion of the Haliburton, Whitney and Mattawa Railway.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Haliburton, Whitney and Mattawa Railway Company has petitioned for an Act to extend the time for the commencement and completion of their railway ; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Time for commencement and completion of railway extended.

1. The time for the commencement and completion of the railway, which the said company is authorized to construct by the Act passed at the Second Session held in the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 94, as amended by the Act passed in the 2nd year of the reign of His Majesty King Edward the Seventh, Chaptered 75, is extended for one year from the passing of this Act, for the commencement, and five years for the completion thereof, and the said Act passed in the 62nd year of the reign of Her said late Majesty as amended by the Act passed in the 2nd year of the reign of His Majesty King Edward the Seventh, Chaptered 75, is declared to be and to have been continued in force notwithstanding anything contained in either of the said Acts hereinbefore mentioned.

Crown may use right of way for the transmission of power to municipalities.

2.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may

at

at all times enter upon the right of way of the company, and may dig up the same, erect thereon all necessary poles or lay all necessary conduits and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality, provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act and of the said former Acts respecting the said company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER.

CHAPTER 93.

An Act to incorporate The Hamilton, Guelph and North Shore Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS William Hendrie, junior, Max. C. Smith and George Lynch-Staunton have by their petition applied for an Act of Incorporation under the name of "The Hamilton, Guelph and North Shore Railway Company," for the purpose of constructing and operating an electric railway from some point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the City of Guelph, in the County of Wellington, passing through the townships of East and West Flamboro, Puslinch and Guelph, and also from some point in or near the City of Hamilton in the County of Wentworth to some point in the Township of Nelson in the County of Halton, passing through the townships of East and West Flamboro and the Village of Burlington: and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William Hendrie, junior, Max. C. Smith, George Lynch-Staunton, George W. Kipp, E. Floyd Kizer, J. C. Smith, William White, Fred. A. Kerns and Elgin A. Harris and such other persons and corporations as shall hereafter become shareholders in said company are hereby constituted a body corporate and politic under the name of "The Hamilton, Guelph and North Shore Railway Company," hereinafter called "the Company."

Location of lines.

2. The said company and their servants and agents are authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate, by electricity, a railway with double or single iron or steel tracks, with

with all necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same from some point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the City of Guelph, in the County of Wellington, passing through the townships of East and West Flamboro, Puslinch and Guelph, also from some point in or near the City of Hamilton to some point in the Township of Nelson in the County of Halton, passing through the townships of East and West Flamboro and the Village of Burlington.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional Directors.

4. The said William Hendrie, junior, Max. C. Smith, and George Lynch-Staunton, J. C. Smith and William White (with power to add to their number) shall be and are constituted a board of provisional directors of the said company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who in their judgment would hinder delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment,

Rev. Stat. c. 207

judgment, such exclusion will best secure the building of the said railway and all meetings of the provisional board of directors shall be held at the City of Hamilton or at such other place as may best suit the interests of the company.

Conveyances of land to company.

6. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be a sufficient conveyance to the company, their successors and assigns, of the estate and interest therein mentioned, and a sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

When subscription for stock to be binding.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c. 207.

9. The capital stock of the company hereby incorporated shall be $750,000 with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 7,500 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, in the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining the said railway, and to the other purposes of this Act.

First general meeting.

10. When and as soon as shares to the amount of $100,000 of capital stock in the company shall have been subscribed

subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the City of Hamilton, of the time, place and purpose of the said meeting.

Election of directors.

11. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of the stock subscribed by them, shall elect not less than five nor more than twelve persons to be directors of the company in the manner, and who shall be qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 207.

Qualification of directors.

12. No person shall be qualified to be elected a director by the shareholders unless he is the owner and holder of at least ten shares of stock in the company upon which all calls have been paid.

Construction of line by sections.

13. The company is authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments

Rev. Stat. c. 207.

amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels has been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act*, and the amendments thereof with respect to "plans and surveys."

Rights of aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

Calls on stock

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and 30 days' notice shall be given of each call as provided in section 17 of this Act.

Contracts for construction of line, etc.

Payment in stock or bonds.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in part or in whole, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of

of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

Head Office, general annual meeting.

17. The head office of the company shall be at the said City of Hamilton, in the County of Wentworth, and the general annual meeting of the shareholders of the company shall be held at the head office of the company or elsewhere as the directors may deem most convenient on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the City of Hamilton during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Bonding powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all $30,000 for each mile of the said railway and branches, and the provisions of subsections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shallapply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said subsections.

Rev. Stat. c. 207.

Bonds, how payable.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for

for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the authority and sanction of the directors as herein provided and enacted, provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank. Proviso.

23. The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway. Mortgaging or pledging

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons for leasing, hiring or use of any motors, cars, carriages, rolling stock and other moveable property, from such companies or persons for such time or times and on such terms as may be agreed upon, and also to enter into agreements with any electric railway company or companies if so lawfully authorized, for the use by one or more of such contracting companies, of the motors, cars, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Agreements with other companies for leasing or hiring rolling stock.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway, and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing working and protecting the said telegraph Telephone and telegraph lines

graph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Proviso.

Aid from municipalities.

26. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the said railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Submitting bonus by-laws.

27. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the members of the county council, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto.

3 Edw. VII. c. 19.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated*

Consolidated Municipal Act, 1903, and amendments thereto as aforesaid. 3 Edw. VII., c. 19.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

28. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county, or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law. By-law what to contain.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

29. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, Petition against aid from county.

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be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor Municipality," meaning of.

30. The term "Minor Municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit before by-law is submitted.

31. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law if assented to by rate-payers.

32. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

33. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

Levying rates on portions of municipality.

34. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest *thereon*, shall be assessed and levied upon such portion only of such municipality.

Applications of provisions of 3 Edw. VII., c. 19.

35. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

36. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year.

Councils may extend the time for completion.

37. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

38. Any municipality or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law: provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-law granting exemption from taxation.

39. It shall be lawful for the corporation of any municipality throughout any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation but not including assessment or taxation for school purposes or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of land.

40. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue Debentures.

41. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within

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six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees, any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live outside of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

42. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them, secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of *"The Hamilton, Guelph and North Shore Railway Municipal Trust Account,"* and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of Trustees.

43. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to purchase whole lots.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient: but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat., c. 207.

Acquiring materials for construction.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat., c. 207.

Siding to gravel pit.

46.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as

Rev. Stat., c. 207.

as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat., c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to erect snow fences.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty or into or upon any lands of any corporation, or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

General powers of company.

48. The company shall have power and authority:

To receive grants of land, etc.

(*a*) To receive, hold and take all voluntary grants and donations of land or other property made to it to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only;

Purchase land.

(*b*) To purchase and hold any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same;

Warehouses, docks, etc.

(*c*) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect necessary buildings, wharfs, etc.

(*d*) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

(*e*)

(*e*) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating of the rolling stock and other property of the company; Powers as to production and use of electricity.

(*f*) To sell or lease in any municipality where such sale or lease is authorized by by-law of the council of the municipality, and subject to the terms and conditions imposed by such by-law, any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection; Lease or sell electricity not required for railway. Rev. Stat., c. 200.

(*g*) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same, or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters; Acquiring rights for conveying electricity.

(*h*) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act. All other matters and things necessary for railway.

Agreements for supply of power.

49. The company shall have power to enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on and operate the railway.

Crossing other lines on the level.

50. Notwithstanding any provisions to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company or with the authority of the Board of Railway Commissioners for Canada or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

Collecting back charges on goods.

51. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Special rates for perishable goods.

52. The company may make unifoim special rates for the carriage of fruit, milk and other perishable products and commodities.

Agreements with other companies.

53.—(1) The said company shall have the power to agree for connections and making running arrangements with any other electric railway company, the lines of which are approached or crossed by the line or lines of the company, or street railway company, if lawfully empowered to enter into any such agreement, upon terms to be authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or

or for the sale or leasing or hiring any carriages, motors or cars or any of them or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any municipal by-law or by-laws which may from time to time be in force so far as the same may affect the company hereby incorporated or the railway to be built under the authority of this Act, or the company whose railway may be so used.

(2) The company may contract and agree with any other electric railway company the lines of which are approached or crossed by the line or lines of the company if lawfully authorized to enter into such arrangements for amalgamation with any or either of them provided that no such contract shall be of any force or validity unless first authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose, and provided also that no such agreement for amalgamation, connections, running arrangements, sale, leasing, or hiring of the said railway or any portion thereof, shall be entered into by the said company until the consent of the council or councils of the municipal corporation or corporations affected thereby has first been obtained, or if such consent has been refused, until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

54. The company may acquire and hold and dispose of stock or bonds and other securities of the companies referred to in section 53 of this Act, or any of them, and may guarantee payment on such bonds or other securities. Acquiring stock or bonds in other companies.

Carrying line along streets of city.

55.—(1) Notwithstanding anything in this Act contained the railway hereby authorized may be constructed and operated with the consent of the council of any city, town or village along any highway within the limits of such city, town or village upon and subject to such terms and conditions as may be mutually agreed upon between the company and any street railway or electric railway already operating in such city, town or village, provided always that if the council of such city, town or village shall by by-law or resolution request a street railway company or electric railway company to allow its tracks or any of the streets of such city, town or village to be used for the entrance of the railways to be constructed under this Act into such city, town or village, such company shall permit its tracks or any such street to be used to some central point in the said city, town or village, to be named by the city, town or village council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city, town or village corporation, and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario in the case of city, town or village corporation and the said two companies are unable to agree upon the same.

(2) Notwithstanding anything in *The Railway Act of Ontario* contained the company shall not operate on highways except in cities, towns or villages.

Rev. Stat. c. 209, to apply to cities.

56. Where the railway is operated along any highway within the limits of any city the provisions of *The Electric Railway Act* in respect to the operation of railways shall apply to the said railway within the said city.

Transfer of shares.

57. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Preference stock by-law for issuing.

58.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain

certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company the company may through the Provincial Secretary petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof and from the date of such approval the by-law shall be valid and may be acted upon.

Special proviso

Rights and liabilities of preference shareholders.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Rights of creditors preserved.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Incorporation of provisions of Rev. Stat. c. 207

59. Section 136 of *The Electric Railway Act* shall apply to the operation of cars between Hamilton and Guelph, but save as otherwise expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act and amendment thereof shall be incorporated with and shall be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Freight cars on highways.

60.—(1) The company may take, transport, and convey goods upon its railway to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway in any city, town or village

village over the railway to be constructed as aforesaid, unless and until the size and number of the cars and motors to be used therein, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, and the municipal council of such city, town or village, nor shall any freight service be operated on any such public highway until authorized by or except as directed by the said railway committee.

Limitation of transmission of electrical energy.

61. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges, or franchise, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Agreements with other companies to be subject to regulations.

62. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for amalgamation, connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Crown may use right of way for the transmission of power to municipalities.

63.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company hereby incorporated, and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

(2)

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality. Act to be subject to general provisions as to Crown transmitting power to municipalities.

64. The railway shall be commenced within two years and finally completed within five years after the passing of this Act. Commencement and completion of line

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SCHEDULE "A."

(*Section* 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of $ paid to me, (or us) by the the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of $, paid to me, (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The , their successors and assigns, forever (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 190 .

Signed, Sealed and Delivered
In the presence of

SCHEDULE "B."

(*Section* 42.)

CHIEF ENGINEER'S CERTIFICATE.

The Hamilton, Guelph and North Shore Railway Company' Office, No. A.D. 190

Engineer's Department.

Certificates to be attached to cheques drawn on The Hamilton, Guelph and North Shore Railway Company Municipal Trust Account given under section , chapter of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I chief engineer of The Hamilton, Guelph and North Shore Railway Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the said By-law No. of the township of (or under the agreement dated the day of 19 , between the corporation of and the company) to entitle the said company to receive from the said trustees

the sum of (here set out the terms and conditions, if any which have been fulfilled.)

CHAPTER

CHAPTER 94.

An Act relating to the Irondale, Bancroft and Ottawa Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Irondale, Bancroft and Ottawa Railway Company has by its petition prayed that an Act may be passed extending the time for the building and completion of its lines of railway and authorizing the company to build an extension of its line; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Time for commencement and completion.

1. The time for the building and completion of the said company's lines of railway is hereby extended to the first day of December, 1910.

Extension of railway authorized.

2. The company is authorized to build and complete and operate a branch or extension of its railway from some point at or near the westerly end or terminus of its present line at Kinmount Junction; thence to some point on the Georgian Bay, between a point at or near the Town of Parry Sound and a point at or near the Town of Midland.

Time for commencement and completion of extension.

3. The line authorized by Section 2 shall be commenced within two years from the passing of this Act and completed on or before the first day of December, 1910.

Crown may use right of way for the transmission of power to municipalites.

4.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may

may at all times enter upon the right of way of the said company over the branch or extension authorized by this Act, and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act authorizing the construction of a branch or extension of the railway of the said company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario or by the Minister of Public Works for the Province of Ontario or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER 95.

An Act to amend the Act to Incorporate The Lake Superior, Long Lake and Albany River Railway Company.

Assented to 12th May, 1905.

Preamble. WHEREAS The Lake Superior, Long Lake, and Albany River Railway Company, hereinafter called the "Company," was duly incorporated by an Act passed in the second year of His Majesty's reign, chaptered 80, and by the said Act the said Company was duly authorized and empowered to construct the railway and works in the said Act mentioned within the times in the said Act specified; and whereas large sums of money have been expended in making surveys and locating the southerly ten miles of the Company's railway, plans of which have been duly certified by the Commissioner of Crown Lands and deposited in the office of the Provincial Secretary, and in doing certain construction work according to the said plans; and whereas owing to the unsettled condition of the money market, the Company has up to the present time been unable to complete satisfactory financial arrangements for the construction of the works contemplated by the said Act of Incorporation ; and whereas the time limited for the commencement of the said railway expired on the 17th day of March, 1905, and the Company has prayed that in order to remove any doubts as to the sufficiency of the commencement of the said railway, the time for the commencement and also for the completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 39 of an Act passed in the second year of His Majesty's reign, chaptered 80, intituled *An Act to Incorporate* 2 Edw. VII., c. 80, s. 39 repealed.

Incorporate The Lake Superior, Long Lake, and Albany River Railway Company, is repealed, and the said Act is hereby declared to be and to have continued to be in force in the same manner and to the same extent as if the said section 39 had not been enacted.

Crown may use right of way for the transmission of power to municipalities.

2.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department, or of any such person, may at all times enter upon the right of way of the company, and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act and of the said Act to incorporate the said company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

Time for commencement and completion.

3. The construction of the railway authorized by the said Act of Incorporation shall be commenced within three years and finally completed within five years after the passing of this Act.

CHAPTER

CHAPTER 96.

An Act respecting The London, Aylmer and North Shore Electric Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS Mahlon Edward Lyon and others were by an Act passed in the 1st year of His Majesty's reign, chaptered 82, incorporated as a company under the name of The London, Aylmer and North Shore Electric Railway Company, for the purpose of constructing and operating an electric railway from a point in or near the City of London to the unincorporated Village of Port Burwell, along the route set forth in the said Act; and whereas the said company has been unable to commence the construction of the said railway within the three years required by the provisions of *The Electric Railway Act;* and whereas the said company has petitioned for an Act to revive the Act of incorporation of the company, and that the time for the commencement of the railway be extended for two years and the completion thereof for four years from the passing of this Act.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Edw. VII., c. 82 revived and time for commencement and completion extended.

1. The Act passed in the 1st year of His Majesty's reign, chaptered 82, and intituled *An Act to incorporate the London, Aylmer and North Shore Electric Railway Company*, is hereby revived, and the said London, Aylmer and North Shore Electric Railway Company is declared to be and to have been from the date of the passing of the said Act an existing corporation as incorporated by and subject to the provisions of the said Act as amended by the Act passed in the 4th year of His Majesty's reign, chaptered 81, intituled *An Act respecting the London, Aylmer and North Shore Electric Railway Company*, and by this Act, and the time for the commencement of the said railway is hereby extended

tended to two years, and the completion to four years after the passing of this Act.

Freight cars on highways.

2. The company may take, transport, and convey goods upon its railway, but no freight or express cars shall be carried along any public highway over the railway to be constructed by the company, unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated on any such public highway until authorized by or except as directed by the said Railway Committee.

Limitation of transmission of electrical energy.

3. Notwithstanding anything contained in the Act incorporating the said company or in any Statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges, or franchise, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Power as to agreements with other companies to be subject to regulations.

4. The authority and power conferred on the company by its Act of Incorporation to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council for Ontario may from time to time order.

Crown may use right of way for the transmission of power to municipalities.

5.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires

and

and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of the various Acts relating to the said company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER.

CHAPTER 97.

An Act to Incorporate The London, Chatham and Western Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS James Nelson Lewis, of the City of Detroit, in the State of Michigan, Capitalist; Moses Miller Trenaman, of the said City of Detroit, Broker; William McSween, of the Town of Leamington, in the County of Essex, Merchant; Hugh McSween, of the said Town of Leamington, Agent; and Arthur T. Boles, of the said Town of Leamington, Barrister-at-Law, have, by their petition, prayed for an Act of incorporation under the name of the London, Chatham and Western Railway Company, for the purpose of constructing and operating by electricity or other motive power, except steam, a railway from some point in or near the City of London, in the County of Middlesex, to the City of Windsor, in the County of Essex, passing through the Townships of London, Lobo, Caradoc, Ekfrid, to or near the Town of Glencoe, thence through the Townships of Mosa, to or near the Town of Bothwell, thence through the Town of Bothwell and the Township of Zone, into the Township of Camden, and to the Town of Thamesville, thence through the Town of Thamesville and through the Townships of Camden and Chatham, or through the Townships of Howard and Harwich to the City of Chatham, thence through the City of Chatham, and the Townships of Raleigh and Tilbury East to or near the Village of Tilbury, thence through the Village of Tilbury and the Townships of Tilbury North, Rochester, Maidstone, Sandwich South, and Sandwich West, to the City of Windsor; and whereas it is expedient to grant the prayer of the said petition;

Therefore his Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said James Nelson Lewis, Moses Miller Trenaman, William McSween, Hugh McSween and Arthur T. Boles, and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The London, Chatham and Western Railway Company," hereinafter called "the company." Incorporation.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by electricity, compressed air, or any other motive power approved of by the Railway Committee of the Executive Council for Ontario, except steam, and from time to time alter, remove and change a double or single track, iron or steel railway of the gauge of four feet, eight and one-half inches, with all necessary switches, sidetracks and turn-outs, for the passage of cars, carriages, motors and other vehicles adapted to the same, from some point in or near the City of London to a point in or near the City of Windsor, passing through the Townships of London, Lobo, Caradoc and Ekfrid to the Town of Glencoe, thence through the Town of Glencoe and the Township of Mosa to the Town of Bothwell, and through the Town of Bothwell and the Townships of Zone and Camden, and to and through the Town of Thamesville, and through the Townships of Camden and Chatham, or the Townships of Howard and Harwich, to and through the City of Chatham, and through the Townships of Raleigh and Tilbury East, to and through the Village of Tilbury, and through the Townships of Tilbury North, Rochester, Maidstone, Sandwich South and Sandwich West, into the City of Windsor. The said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made or hereafter to be made between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreements with any municipal corporations or road companies as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same. Location of line. Rev. Stat. c. 209, 3 Edw. VII., c. 19.

3. The capital stock of the company shall be $2,000,000 divided into 20,000 shares of $100 each. Capital stock.

Provisional directors.

4. The said James N. Lewis, Moses Miller Trenaman, William McSween, Hugh McSween and Arthur T. Boles, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Rev. Stat. c. 209.

Head office.

5. The head office of the company shall be at the City of Chatham, in the County of Kent, and all meetings of the provisional board of directors shall be held at the said City of Chatham unless a majority of the said board otherwise direct.

Number of directors.

6. The number of directors shall not be less than five and not more than nine.

Annual meeting.

7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

Contracts for construction, etc.

8. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding, at a general meeting of the shareholders specially called for the purpose of considering such matters.

Freight cars on highways.

9. (1) The company may take, transport and convey goods upon its railway to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway over the railway to be constructed as aforesaid, unless and until the size and number of the cars and

and motors to be used therewith, and the hours of running the same have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated on any such public highway until authorized by, or except as directed by the said Railway Committee.

(2) The company may make uniform special rates for the carriage of fruits, milk and other perishable freight. Special rates on fruit, etc.

10. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act* and amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Electric Railway Act*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act*, and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Railway Committee of the Executive Council of Ontario may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway. Construction of road by sections. Rev. Stat. c. 209.

11.

Five mile sections may be opened.

11. Whenever any section of the said railway of not less than five miles has been completed the company may give to the Railway Committee of the Executive Council for Ontario a notice as to it similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act, to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation.

Borrowing powers, Rev. Stat. c. 209.

12. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures and other securities as therein provided to an amount not exceeding $25,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time, as said sections of five miles or over are opened, to the amount of $25,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended; and when said twenty per centum has been actually expended on the work of the said railway then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of $25,000 per mile of the railway.

Crossing other railways.

13. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company, or with the authority of the Board of Railway Commissioners for Canada, or of the Railway Committee of the Executive Council for Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council for Ontario not within the legislative authority of the Province of Ontario.

Disposal of surplus electrical power.

14. The company may in all municipalities where such sale or lease is authorized by by-law of the council of the municipality, and subject to the terms and conditions imposed by such by-law, sell or lease any electricity or electric power not required for the purposes of the company to any person, firm or corporation, and in that behalf shall possess the powers, rights and privileges, and shall be subject to the obligations and restrictions of joint stock companies incorporated under *The Act*

Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power, and the company may acquire and hold any property necessary for the purposes mentioned in this section. Rev. Stat. c. 200.

Running arrangements with other companies.

15. The said company shall have power to agree for connections and making running arrangements with any company or companies lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act if lawfully empowered to enter into any such agreements upon terms to be approved of by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any municipality or municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air or any other motive power approved of by the Railway Committee of the Executive Council of Ontario, except steam, only shall be used in operating any portion of the said railway, or any section or branch thereof; provided, also, that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway, or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect, has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

16.

Collecting back charges.

16. The company shall have the power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

Application of Rev. Stat. c. 191.

17. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock, and being section 22 of said Act, and the amendments thereto, are hereby incorporated in and made part of this Act.

Rights of aliens.

18. Aliens and companies incorporated abroad, as well as British subjects and corporations may be shareholders of the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Commencement and completion.

19. The undertaking hereby authorized shall be commenced within two years and put in operation within four years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Expenses of Act.

20. The directors are hereby authorized to pay out of the moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Application of Rev. Stat. c. 209.

21. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactements hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Limitation of transmission of electrical energy.

22. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchises, as to the transmis-

sion

sion of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Agreements with other companies to be subject to regulations.

23. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Operating in cities.

24. Notwithstanding anything in this Act contained the railway shall not be constructed along any highway within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city and the council of the corporation of such city. Provided always that if there is an existing agreement between such city and the street railway or electric railway already operating in such city then the railway hereby authorized shall not be constructed along any such highway, except, upon and subject to the terms of such existing agreement; provided, also, that where the agreement between any city street railway company and the city does not contain any provision for the admission of radial roads then if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario in case the city corporation and the said two companies are unable to agree upon the same

Proviso.

Crown may use right of way for the transmission of power to municipalities.

25.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company hereby incorporated and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER

CHAPTER 98.

An Act respecting the London Street Railway Company.

Assented to 12th May, 1905.

Preamble.

WHEREAS The London Street Railway Company was incorporated by an Act of the Ontario Legislature, passed in the 36th year of the reign of Her late Majesty Queen Victoria, chaptered 99, with the powers therein set forth, and the company was authorized and empowered to construct, maintain, complete and operate a double or single iron railway with necessary side-tracks, switches, and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the public streets and highways in the municipality of the City of London, and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to agreements to be made between the company and the council of the said city, and of the said municipalities, respectively, which Act was amended by an Act passed in the 58th year of the reign of Her late Majesty Queen Victoria, chaptered 107; and whereas The London Street Railway Company has by its petition prayed for an Act confirming by-laws Nos. 1,968, 2,265, 2,280, 2,424 and 2,491 of the Corporation of the City of London, dated, respectively, the 19th day of May, 1902, the 1st day of June, 1903, the 6th day of July, 1903, the 4th day of July, 1904, and the 16th day of January, 1905, and certain agreements made in pursuance thereof between the said petitioner and the said corporation of the City of London, bearing date, respectively, the 28th day of May, 1902, the 10th day of July, 1903, the 15th day of July, 1904, and the 30th day of January, 1905, and has by its petition further prayed for an Act confirming by-laws Nos. 467 and 468 of the Corporation of the Township of London, both dated the 13th day of February, 1904, and certain agreements made in pursuance of the said by-laws between the said petitioner and the said Corporation of the Township of London, both dated the 25th

25th day of February, 1904; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain Agreements and By-laws affecting the Company and City of London confirmed.

1. The agreements between The London Street Railway Company and the Corporation of the City of London, dated the 28th day of May, 1902, the 10th day of July, 1903, the 15th day of July, 1904, and the 30th day of January, 1905, and the by-laws Numbered 1,968, 2,265, 2,280, 2,424 and 2,491 respectively, therein referred to and incorporated therewith, which are set out in Schedules "A", "B", "C" and "D" to this Act, respectively, are confirmed and declared to be valid and legal and to be binding upon the parties thereto.

Certain Agreements and By-laws affecting Company and Township of London confirmed.

2. The agreements between The London Street Railway Company and the Corporation of the Township of London, both dated the 13th day of February, 1904, and the by-laws numbered 467 and 468 respectively therein referred to and incorporated therewith, which are set out in Schedules ,'E" and "F" to this Act, respectively, are confirmed and declared to be valid and legal and to be binding upon the parties thereto.

Performance of provisions of By-laws by Company, how to be enforced

3. If the said company shall fail or neglect to keep, observe, perform or comply with any of the provisions of the said by-laws, in which the residents of the municipality or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the Court shall have full power and jurisdiction in the premises and to enforce by injunction, or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons, of all the provisions of the said by-laws in which residents of the municipality or the corporation or any other person or corporation are interested.

SCHEDULE A.

(Section 1.)

By-law Number 1968.

Respecting the London Street Railway Company.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act intituled an Act to incorporate the London Street Railway Company, by which the said Company hereinafter

hereinafter called the "Company" are authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side-tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the public streets and highways within the jurisdiction of the corporation of the City of London, hereinafter called the "Corporation" as the Company may be authorized to pass along under and subject to any agreement to be made between the Council of the Corporation and the Company and under and subject to any By-law of the Corporation, and to take, transport, and carry passengers and freight upon the same by the force or power of animals or such other power as the Corporation may by By-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected and full power is given to the Directors to make all By-laws for the management of the company:

And whereas the Corporation and the Company are by the said Act respectively authorized to make and enter into any agreements or convenants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, and the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic:

And whereas the Corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or convenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for the enforcing obedience thereto, and also for the facilitating of the running of the Company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass:

And whereas by By-law Number 916, respecting the London Street Railway Company, passed on the 21st day of May, A.D. 1895, the consent, permission and authority of the Corporation was given and granted to the Company to construct, complete, maintain, and operate, during the remainder of the term of fifty years from the 8th day of March, A.D. 1875, a surface electric street railway on the trolley system upon and along certain streets in the said City of London, particularly mentioned in the said By-law upon and subject to the conditions and agreements therein contained:

And whereas by By-law Number 922, respecting the London Street Railway Company, passed on the 15th day of July, A.D. 1895, the consent, permission and authority of the Corporation was given and granted to the Company, so far as the Corporation had power to give and grant the same, to construct, complete, maintain and operate, during the remainder of the said term of fifty years from the 8th day of March, A.D. 1875, a surface electric street railway on the trolley system, upon and along Railroad Street, in the Sixth Ward in the said City of London, as by the said By-law Number 922, is more particularly set out, and subject to the conditions and agreements therein contained:

And whereas it is, by the said By-law Number 922 provided that one track only, without any switches, Y's, loops, turntables, crossovers, side-tracks, turnouts or other works shall be laid on the said street, and that the said track shall be laid as near as possible to the Northern limit of the said street, unless otherwise directed by the Engineer of the Corporation:

And

And whereas the Company has applied to the Municipal Council of the Corporation for permission to lay another track along the said street, and the said Council has consented to grant the same, upon and subject to the conditions and agreements hereinafter referred to:

Be it therefor enacted by the Municipal Council of the Corporation of the City of London as follows:

1. The consent, permission and authority of the Corporation is hereby given and granted, so far as the Corporation has power to give and grant the same, to the Company, to construct, complete, maintain and operate, during the remainder of the said term of fifty years from the 8th day of March, A.D. 1875, another track upon Railroad Street aforesaid, such track to be laid as near as possible to the South of the present track upon the said street, unless otherwise directed by the Engineer of the Corporation, upon and subject to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things contained in the said By-law Number 916, passed on the 21st day of May, A.D. 1895, all of which terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things, in the said By-law contained, are hereby declared to form part of this by-law as if the same were fully set out therein.

2. That the Company shall grade the hill on Railroad Street aforesaid, and gravel and curb the said street at their own expense, and to the satisfaction of the said Engineer, and should any damage be thereby caused to private property, or to owners' of private property, the Company shall be liable to the Corporation for, and shall indemnify and save harmless the Corporation from all such damages and costs.

3. That the Company shall, before laying their track permitted to be laid by this By-law, obtain permission of the Grand Trunk Railway Company of Canada, to place the poles for the trolley wire upon the said street upon the property of the said Grand Trunk Railway Company of Canada, and to the North of the line fence of the said Company, and all the work provided to be done under this By-law, shall be completed within one month from the passing of this By-law, in default of which all the privileges granted to the Company by this By-law shall cease, determine and be at an end.

4. The laying of the track upon the said street, authorized by this By-law, shall not be deemed the laying down of new lines or an extension of tracks, within the meaning of section 21 of the said By-law Number 916.

5. That nothing in this By-law contained shall prejudice or affect the rights of the Corporation, under the said By-law Number 916, and the agreement between the Company and the Corporation, bearing date the 6th day of June, A.D. 1895, except as varied by this By-law, and that, save as varied by this By-law the said By-law and agreement shall be valid and binding upon the Company, their successors and assigns.

6. This By-law and the privileges hereby granted, shall not take effect or be binding upon the Corporation, unless or until formally accepted by the Company within two weeks after the passing thereof, by an agreement, which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall stipulate and legally bind the Company, that nothing in this By-law contained shall prejudice or affect the rights of the Corporation, under the said By-law Number 916 and the agreement between the Company and the Corporation, bearing date the 6th day of June, A.D. 1895, except as varied by this By-law, and that save as varied by this By-law, the said By-law and agreement shall remain and be valid and binding upon the Company, their successors and assigns, and such agreement shall also be executed under the seal of the

City

City by the Mayor or the Chairman of Number One Committee, and the City Clerk.

Passed in open Council this 19th day of May, A.D. 1902.

(Seal) C. A. KINGSTON, Clerk. A. BECK, Mayor.

ARTICLES OF AGREEMENT made the Twenty-eight day of May, A.D. 1902, between the Corporation of the City of London, (hereinafter called the Corporation), of the First Part, and the London Street Railway Company, (hereinafter called the Company), of the Second Part.

Whereas by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A.D. 1873, entitled "An Act to Incorporate the London Street Railway Company," it is, amongst other things, provided that the Council of the Corporation and the Company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion, and generally for the safety and convenience of passengers; the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic;

And whereas the Council of the Corporation of the City of London, on the Nineteenth day of May, in the year of our Lord 1902, passed a By-law numbered 1968, granting to the Company certain rights for the construction, maintenance and operation of a street railway upon and along Railroad Street, in the Sixth Ward in the said City of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things therein contained, a true copy of which said By-law is hereto annexed;

And whereas these Presents are intended to give effect to the said By-law;

Now these Presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the Company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation, and their successors, in manner following, that is to say:—

That the company do hereby accept the said by-law, and that the Company, their successors and assigns, will, in all things, conform to, obey, perform, observe, fulfil and keep all and every the terms conditions, agreements, stipulations, regulations, obligations, provisions, and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the company also covenant and agree with the corporation that nothing in the said By-law number 1968 contained shall prejudice or affect the rights of the corporation under By-law number 916 of the City of London, or the agreement made between the company and the corporation, dated the sixth day of June, A. D. 1895, except in so far as the same are varied by the said By-law number 1968, and that, save and except in so far as the same are

varied

varied by the said By-law number 1968, the said By-law number 916 and the said agreement between the company and the corporation, dated the sixth day of June, A. D. 1895, shall be and remain valid and binding upon the company, and their successors and assigns.

And the corporation do hereby, so far as they have the power so to do, ratify and confirm the said by-law, and the rights and privileges thereby granted to the company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal, and the Mayor and City Clerk have set their hands, and the company have caused to be affixed their corporate seal, and their Vice-President and Secretary have set their hands the day and year first above written.

A. BECK,
Mayor. (Corporation Seal).
C. A. KINGSTON,
City Clerk.
T. H. SMALLMAN, (Street Railway
Vice President. Seal.)
C. E. A. CARR,
Secretary.

Signed, sealed and delivered in the presence of

J. B. SMITH,
As to signatures of A. Beck and C. A. Kingston.
CHAS. H. IVEY,
As to the signatures of T. H. Smallman and C. E. A. Carr.

SCHEDULE B.

(Section 1).

By-law No. 2265. Respecting the London Street Railway Company.

Whereas by By-law number 916 respecting The London Street Railway Company, passed on the 21st day of May, A. D. 1895, and certain articles of agreement between the Corporation of the City of London (hereinafter called the corporation), and The London Street Railway Company (hereinafer called the company), bearing date the 6th day of June, A. D. 1895, it was, by section ten of the said by-law provided that whenever it shall be deemed expedient by the corporation or the council thereof under the provisions of the local improvement clauses of *The Consolidated Municipal Act, 1892*, or under any other Act or authority to pave or re-pave, whether with materials different from what are now in use or not, any street, or portion of a street, upon or along which the railway tracks of the company, or any of them, are or shall be laid, the track allowances shall at the same time that paving or re-paving is being done on the adjoining portions of the street be paved by and at the expense of the company, with the like materials, or such other materials as shall be approved of by the council of the corporation, and in the same manner as the adjoining portion of the said street is so paved or re-paved, and to the satisfaction of the city engineer, the company furnishing the materials, and the specifications for all such paving or re-paving to be done by the company, including the foundations therefor, under the provisions of sub-section one of said section ten, shall be submitted to and approved of by the said engineer before any of the said work is commenced by the company, and thereafter

the

the same shall be paved and kept in repair, to the satisfaction of the said engineer, by and at the expense of the company, the company furnishing the materials, and the company shall be responsible for and make good to the corporation all loss, damages, costs, charges and expenses which the corporation may incur or be put to by reason of any failure of the company to conform to the provisions of said sub-section one of said section ten, or any delay on the company's part in so doing.

And whereas the council of the corporation on the 18th day of May, A. D. 1903, passed a By-law numbered 2249, to provide for the construction of a bituminous macadam pavement, with cement kerb and gutter, on that part of York Street which lies between Richmond Street and Talbot Street, under the provisions of the 664th and 665th sections of The Municipal Act.

And whereas the company desire to pave those portions of the track allowances on that part of York Street aforesaid, which lie immediately along side of the rails of the company on the said part of the said street, with two rows of vitrified brick, placed parallel to the rail and breaking joints, to be laid on the inside and on the outside of each of the said rails, instead of paving the whole of the said track allowances with bituminous macadam, and the council of the corporation has, under the provisions of section ten of said By-law number 916, approved of vitrified brick being used, as aforesaid by the company.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That the paving by the company of those portions of the track allowances on that part of York Street which lies between Richmond Street and Talbot Street, which lie immediately alongside of the rails of the company on the said part of the said street, with two rows of vitrified brick, placed parallel to the rail and breaking joints, to be laid on the inside and on the outside of each of the said rails, instead of paving the whole of the said track allowances with bituminous macadam, be and the same is hereby approved of by the council of the corporation.

2. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless or until formally accepted by the company within two weeks after the passing of this by-law by an agreement which shall legally bind the company to perform, observe and comply with all agreements, obligations, terms and conditions herein contained, and shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or affect the rights of the corporation under said By-law number 916, and the said agreement between the company and the corporation dated the 6th day of June, A. D. 1895, except as varied by this by-law.

Passed in open council this first day of June, A. D. 1903.

(L.S.) (Sgd.) C. B. EDWARDS, Clerk. (Sgd.) A. BECK, Mayor.

By-law No. 2280. To amend By-law No. 2265, passed on the 1st day of June, A. D. 1903.

Be it enacted by the Municipal Council of the Corporation of the City of London, as follows:—

1. That By-law number 2265, passed on the 1st day of June, A. D. 1903, be, and the same is hereby amended, as follows, that is to say:—By substituting for the word "two" in the fourth line of the last paragraph of page two of the said by-law, the words "three or more."

2. By substituting for the word "two" in line five of section one of the said by-law the words "three or more."

3. By substituting for the word "two" in line four, section two of the said by-law, the word "seven."

Passed in open council this 6th day of July, A. D. 1903.

C. B. EDWARDS, Clerk. A. BECK, Mayor.

(Seal).

Articles of Agreement made the tenth day of July, A. D. 1903, between the Corporation of the City of London (hereinafter called the Corporation), of the First Part, and The London Street Railway Company (hereinafter called the Company), of the Second Part.

Whereas, by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A. D. 1873, entitled "An Act to Incorporate The London Street Railway Company," it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion, and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas, by By-law number 916, respecting the London Street Railway Company, passed on the 21st day of May, A. D. 1895, the consent, permission and authority of the corporation was given and granted to the company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the eighth day of March, A.D. 1875, a surface electric street railway on the trolley system, upon and along certain streets in the said City of London, particularly mentioned in the said by-law, upon and subject to the conditions and agreements therein contained.

And whereas, by sub-section one of section ten of said By-law number 916 it is provided as follows:—Whenever it shall be deemed expedient by the corporation or the council thereof under the provisions of the local improvement clauses of *The Consolidated Municipal Act, 1892*, or under any other Act or authority to pave or re-pave, whether with materials different from what are now in use or not, any street, or portion of a street, upon or along which the railway tracks of the company, or any of them, are or shall be laid, the track allowances shall at the same time that the paving or re-paving is being done on the adjoining portions of the street be paved by and at the expense of the company, with the like materials, or such other materials as shall be approved of by the council of the corporation, and in the same manner as the adjoining portion of the said street is so paved or re-paved, and to the satisfaction of the City Engineer, the company furnishing the materials, and the specifications for all such paving or re-paving to be done by the company, including the foundations therefor, under the provisions of this sub-section, shall be submitted to and approved of by the said engineer before any of the said work is commenced by the company, and thereafter the same shall be paved and kept in repair, to the satisfaction of the said engineer, by and at the expense of the company, the company furnishing the materials, and the company shall be responsible for and make good to the corporation all loss, damages, costs, charges and expenses which the corporation may incur or be put to by reason of any failure of the company to conform to the provisions of this sub-section, or any delay on the company's part in so doing.

And

And whereas the council of the corporation, on the 18th day of May, A. D. 1903, passed a By-law numbered 2249, to provide for the construction of a bituminous macadam pavement, with cement curb and gutter, on that part of York Street which lies between Richmond Street and Talbot Street, under the provisions of the 664th and 665th sections of *The Municipal Act*.

And whereas the council of the corporation, by By-laws numbered 2265 and 2280, passed on the first day of June, and the sixth day of July, respectively, A. D. 1903, approved of the paving by the company of those portions of the track allowances on that part of York Street aforesaid, which lie immediately alongside of the rails of the company on the said part of the said street, with three or more rows of vitrified brick, placed parallel to the rail and breaking joints, to be laid on the inside and on the outside of each of the said rails, instead of paving the whole of the said track allowances with bituminous macadam.

And whereas these presents are intended to give effect to the said by-law, and to bind the company to keep the terms contained in the said by-law, and that nothing in the said by-law contained shall prejudice or affect the rights of the corporation under said By-law number 916, and the agreement between the company and the corporation dated the 6th day of June, A. D. 1895, except as varied by the said By-laws numbered 2265 and 2280.

Now these presents witness that, in consideration of the granting of the powers and privileges which are by the said By-laws numbered 2265 and 2280, granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation, and their successors, in manner following, that is to say:—

That the company do hereby accept the said By-laws numbered 2265 and 2280, and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfill and keep all and every, the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said powers and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the company also covenant and agree with the corporation that nothing in the said By-laws numbered 2265 and 2280 contained shall prejudice or affect the rights of the corporation under said By-law number 916, or the said agreement between the company and the corporation, dated the 6th day of June, A. D. 1895, except in so far as the same are varied by the said By-laws numbered 2265 and 2280.

In witness whereof the corporation have caused to be affixed their corporate seal, and the Mayor and the City Clerk have set their hands, and the company have caused to be affixed their corporate seal, and their President and Secretary have set their hands the day and year first above written.

A. BECK,
Mayor.
C. B. EDWARDS,
City Clerk.
(Corporation Seal).
T. H. SMALLMAN,
Vice-President.
C. E. A. CARR,
Secretary.
(Street Railway Seal).

Signed, sealed and delivered in the presence of
AQUILA O. GRAYDON, as to signatures of Mayor and City Clerk.
B. M. F. MCKELLAR, as to signatures of Mr. T. H. Smallman and C. E. A. Carr.

37 s. SCHEDULE

SCHEDULE C.

(Section 1).

By-law No. 2424. Respecting the London Street Railway Company.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act intituled *An Act to incorporate the London Street Railway Company*, by which the said company (hereinafter called the company), are authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the public streets and highways within the jurisdiction of the corporation of the City of London (hereinafter called the corporation), as the company may be authorized to pass along, under and subject to any agreement to be made between the council of the corporation and the company, and under and subject to any by-law of the corporation, and to take, transport and carry passengers and freight upon the same by the force or power of animals, or such other power as the corporation may by by-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the directors to make all by-laws for the management of the company.

And whereas the corporation and the company are, by the said Act, respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion, and generally for the safety and convenience of the passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations, for the conduct of all parties concerned, including the company, and for the enforcing obedience thereto, and also for the facilitating of the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas, by By-law number 916, respecting the London Street Railway Company, passed on the 21st day of May, A. D. 1895, the consent, permission and authority of the corporation was given and granted to the company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the 8th day of March, A. D. 1875, a surface electric street railway on the trolley system, upon and along certain streets in the said City of London, particularly mentioned in the said by-law, upon and subject to the conditions and agreements therein contained.

And whereas it has been agreed by and between the corporation and the company that the company shall lay down the lines and extend the tracks and street car service as hereinafter provided, and that the new lines and extension of the said tracks and street car service, when completed in accordance with the terms of this by-law shall, with the lines and extensions already laid and made, be deemed a fulfilment by the company of their liability and duty

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to establish and lay down new lines, and extend their tracks and street car service, as provided by section twenty-one of said By-law number 916, to the extent of, and not beyond, a population of 39,000, and that the corporation shall not be entitled to compel the company to establish and lay down new lines, and extend the tracks and street car service, as provided by section twenty-one of the said By-law number 916, until the population of the City of London, as now existing or hereafter extended, has been ascertained in the manner provided by said section twenty-one, to exceed, as required thereby, a population of 39,000.

And whereas it has been agreed by and between the company and the corporation that said By-law number 916 shall be varied as by this by-law provided, and that the said By-law number 916, and the agreement between the company and the corporation, dated the sixth day of June, A. D. 1895, shall, except as heretofore varied by by-laws of the council of the corporation, and agreements in writing between the corporation and the company, entered into in pursuance of such by-laws, and except as varied by this by-law, be declared to be valid and binding in all respects upon the company notwithstanding the variations aforesaid.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London, as follows:—

1. The consent, permission and authority of the corporation is hereby given and granted, so far as the corporation hath power to give and grant the same to the company, to construct, complete, maintain and operate, during the remainder of the term of fifty years from the 8th day of March, A. D. 1875, a surface electric street railway on the trolley system, for the passage of cars, carriages and other vehicles adapted to the same, upon and along the following streets and portions of streets, namely:—

(a) South Street, from the company's present track on Wellington Street, to Adelaide Street; thence north on Adelaide Street to Layard Street; thence east on Layard Street to Mamelon Street, and thence north on Mamelon Street to intersect and connect with their track on the Hamilton Road;

(b) From their present track on the Hamilton Road, at its intersection with Rectory Street, south-easterly along the Hamilton Road to Trafalgar Street;

(c) From the Wharncliffe Highway, along Beaconsfield Avenue to the Wortley Road, and thence northerly along the Wortley Road, to connect with their track on Stanley Street; and

(d) On the Wortley Road, from the company's present track at the intersection of Elmwood Avenue with the Wortley Road, Southerly to the southern limit of the city.

In the manner, and upon and subject to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things contained in the said By-law number 916, passed on the twenty-first day of May, A. D. 1895, save as varied by this by-law, all of which terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said By-law contained, save as varied by this by-law, are hereby declared to form part of this by-law as if the same were fully set out therein.

2. Should the grade of Beaconsfield Avenue or the Wortley Road be altered, and should any damage be thereby caused to private property, or to owners of private property, the company shall be liable to the coporation for, and shall indemnify and save harmless the corporation from all such damage and costs.

3. One track only, without any switches, Y's, loops, turn-tables, cross-overs, side-tracks, turn-outs, or other works, shall be laid on said Beaconsfield Avenue, and that portion of the Wortley Road aforesaid, from Beaconsfield Avenue to Stanley Street; and single tracks only shall be laid on the other streets and portions of the streets in this by-law referred to, but switches and turn-outs shall be laid on said other streets and portions of streets, and at such places as, in the opinion of the engineer of the corporation, may be necessary to enable the company to operate its cars both ways

on

on same, and the said tracks shall be laid in the centre of the respective streets, unless otherwise directed by the engineer of the corporation.

4. The company shall be bound to commence the construction of the said electric railway upon South Street, from the company's present track on Wellington Street, to Adelaide Street; thence north on Adelaide Street to Layard Street; thence east on Layard Street to Mamelon Street, and thence north on Mamelon Street to intersect and connect with their track on the Hamilton Road, forthwith after the passing of this by-law, and shall continue the same without unnecessary interruption or delay, and the said railway shall be completed, and the electric cars running efficiently, and the whole of the works in connection therewith in full operation upon all the said streets, and portions of the streets, mentioned in this section, on or before the twentieth day of October next, in default of which all the privileges granted to the company by this by-law shall cease, determine and be at an end.

5. The company shall be bound to complete the construction of the said electric railway upon the said portion of the Hamilton Road, from their present track on the Hamilton Road, at its intersection with Rectory Street, south-easterly to Trafalgar Street; and on the Wortley Road, from their present track at the intersection of Elmwood Avenue with the Wortley Road, southerly to the southern limit of the city, and the said railway shall be completed, and the electric cars running efficiently, and the whole of the works in connection therewith in full operation upon all the said streets, and portions of the streets mentioned in this section, on or before the first day of October, A. D. 1905, in default of which all the privileges granted to the company by this by-law shall cease, determine and be at an end.

6. The company shall, if the corporation desire to permit the entrance into the City of London of any radial or other electric railway company at a date earlier than the first day of October, A. D. 1905, and if the corporation enter into an agreement with such company, and notify the company in writing to complete the construction of the said electric railway on the Wortley Road aforesaid, from their present track at the intersection of Elmwood Avenue with the Wortley Road, southerly to the southern limit of the city, at a date earlier than the first day of October, A. D. 1905, but not sooner than three months after the giving of such notice, if such notice be given in any of the months of March, April, May, June, July, August or September, and not sooner than eight months if the said notice be given in any other month, be bound to complete the construction of the said electric railway upon the said portion of the Wortley Road, and to have the said railway completed, and the electric cars running efficiently, and the whole of the works in connection therewith in full operation upon the said portion of the said street mentioned in this section, by the time fixed by such notice, in default of which all the privileges granted to the company by this by-law shall cease, determine and be at an end; but nothing in this section contained shall be deemed to authorize the company to receive or forward, and the company shall not receive or forward, any passenger, mail, express, freight or baggage cars, of any radial or other electric railway company, unless and until the company shall be required so to do by by-law of the council of the corporation.

7. The company shall, immediately after the passing, of this by-law, convey to the corporation of the City of London, for the purposes of a public highway, the southerly fifty feet of the land conveyed by one T. H. Taylor to the London Street Railway Company, and which may be more particularly described as follows:—Commencing at a point on the easterly limit of the Wharncliffe Highway, distant southerly seventy-nine feet from the southerly limit of the property of the Grand Trunk Railway Company; thence easterly at right angles to the Wharncliffe Road, a distance of seventy-five feet; thence following a reverse curve in a south-easterly

erly direction to a point on the easterly limit of said property, which point is distant eighteen feet northerly from the southerly limit of Beaconsfield Avenue produced; thence northerly along the easterly limit of said property, a distance of fifty feet; thence westerly parallel with the southerly limit above described to a point on the easterly limit of the Wharncliffe Highway distant twenty-nine feet from the southerly limit of the property of the Grand Trunk Railway Company; thence southerly along the eastern limit of the Wharncliffe Highway, a distance of fifty feet, to the place of beginning; and the company shall grade, kerb and gravel and underdrain the whole of Beaconsfield Avenue, and that portion of the land so to be conveyed by them to the corporation of the City of London, to the satisfaction of the said engineer, and Number Two Committee of the council of the corporation, within two months after the passing of this by-law; and shall also grade, kerb and gravel that portion of the Wortley Road aforesaid, and also grade and gravel their track allowances on all other streets and portions of streets mentioned in section one hereof, and shall lay a cement crossing on the south side of Beaconsfield Avenue at the Wortley Road, and on the west side of the Wortley Road at Beaconsfield Avenue, of such grade and of such strength and according to such specifications as the said engineer and Number Two Committee shall approve; and shall lay a cement sidewalk of the same kind and width as that now laid on the south side of Beaconsfield Avenue aforesaid, continuing the said sidewalk in a line, to be laid out by the said engineer from the westerly limit of the said cement sidewalk, now laid on the south side of Beaconsfield Avenue, westerly to the east side of the Wharncliffe Highway, and a cement crossing, satisfactory to the said engineer, and to be laid down where designated by him, from the westerly end of the cement sidewalk on the north side of Beaconsfield Avenue to the cement sidewalk on the south side of Beaconsfield Avenue; and shall also provide an approach to the property of Mr. Nicholas F. Yeo on the Wortley Road aforesaid, to the satisfaction of the said Yeo and the said engineer, within two months after the passing of this by-law (all of which said works shall be done by the company at their own expense), in default of which all the privileges granted to the company by this by-law shall cease, determine and be at an end.

8. That whilst the cars of the company are run to and from Springbank the company will operate their belt line cars in South London until the last car has returned from Springbank.

9. That the company shall, during the remainder of the said term of fifty years from the 8th day of March, A. D. 1875, operate their line both ways on South Street, the Hamilton Road, Adelaide Street, Layard Street and Mamelon Street aforesaid, and provide upon the said streets a service of not less than ten minutes; provided, however, that the engineer for the time being of the corporation may, under the provisions of sub-section (s) of section twenty-five of said By-law number 916, determine, alter, change or vary the speed and service, and intervals of running cars, on the said line, or any part of the same, as provided by sub-section (s), and the council of the corporation may, as provided by said sub-section (s), change or vary any route or routes.

10. That the company shall, within one month after this by-law takes effect, at their own expense, kerb, grade, gravel and put that portion of Richmond Street between Regent and Huron Streets in good repair and condition, and satisfactory in all respects to the engineer of the corporation, and, in the event of the company neglecting to perform the said work to the satisfaction of the said engineer, such work may be done by the said engineer, acting on behalf of the corporation, and the cost thereof shall be paid by the company to the corporation on demand.

11. That, in the event of the subway on the Wortley Road, under the Grand Trunk Railway, being widened or heightened, and, in the event of the council of the corporation at any time during the continuance of this by-law, requesting the company so to do, they

will

will take up and remove, at their own expense, their tracks and works upon the Wortley Road from Beaconsfield Avenue to Stanley Street, or such portion of it as the council may direct, and place them in such place or places, and at such height, upon the said street, as the council of the corporation may by by-law direct, and leave the said street in good condition and repair, under and subject to the supervision, and to the satisfaction of the engineer of the corporation, and, in the event of the company neglecting to promptly perform the said work to the satisfaction of the said engineer, such work may be done by the said engineer, acting on behalf of the corporation, and the cost thereof shall be paid by the company to the corporation on demand.

12. That the portions of the streets referred to in By-law number 933 of the council of the corporation, passed on the 16th day of December, A. D. 1895, shall be deemed not to exceed two miles in length, and it is hereby declared that the council of the corporation had power to pass the said by-law, and that the company are bound thereby, notwithstanding that the company contended, and the fact may be, that the portion of the streets in the said by-law described exceed two miles in length.

13. That nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said By-law number 916, and the agreement bearing date the 6th day of June, A. D. 1895, except as varied by this by-law and that, save as varied by this by-law, and as heretofore varied by by-laws of the council of the corporation, and agreements in writing between the corporation and the company, entered into in pursuance of such by-laws, the said by-law and agreement shall be valid and binding upon the company, their successors and assigns, and the provisions contained in section nine of this by-law as to the service upon South Street, the Hamilton Road, Adelaide Street, Layard Street and Mamelon Street, shall not prejudice or affect the right and powers of the engineer of the corporation, or of the corporation, contained in sub-section (s) of section 25 of the said By-law number 916, or the exercise of such rights and powers.

14. This by-law, and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless and until formally accepted by the company within fifteen days after the passing of this by-law, by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said By-law number 916, and the agreement between the company and the corporation dated the 6th day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, and as heretofore varied by by-laws of the council of the corporation, and agreements in writing between the corporation and the company, entered into in pursuance of such by-laws, the said by-law and agreement shall be and remain valid and binding upon the company, their successors and assigns.

Passed in open council this fourth day of July, A. D. 1904.

(Seal). (Sgd.) JAMES S. BELL, Acting Clerk. (Sgd.) A. BECK, Mayor.

Articles of Agreement made the fifteenth day of July, A. D. 1904, between the Corporation of the City of London (hereinafter called the Corporation), of the First Part, and The London Street Railway Company (hereinafter called the Company), of the Second Part.

Whereas by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A. D. 1873, entitled *An Act to Incorporate the London Street Railway Company*, it is amongst other things provided that the council of the corporation and

and the company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid: the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation, on the fourth day of July, in the year of our Lord 1904, passed a By-law numbered 2424, granting to the company certain rights for the construction, maintenance and operation of a street railway upon and along certain streets of the said City of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said by-law, and to bind the company to keep the terms and conditions in the said by-law contained;

And whereas it has been agreed between the corporation and the company that nothing in the said by-law contained shall prejudice or affect the rights and powers of the Engineer for the time being of the corporation under the provisions of sub-section (s) of section twenty-five of By-law Number 916 of the City of London, passed on the twenty-first day of May, A.D. 1895, or the agreement between the corporation and the company bearing date the sixth day of June, A.D. 1895, to determine, alter, change or vary the speed and service, and intervals of running cars, as provided by the said sub-section (s), or the rights and powers of the council of the corporation, under said sub-section (s) to change or vary any route or routes, as thereby provided, or the exercise of any such rights or powers.

And whereas it has been further agreed by and between the corporation and the company that nothing in the said By-law Number 2424 contained shall prejudice or affect the rights and powers of the Engineer for the time being of the corporation, or the rights and powers of the council of the corporation, or of the corporation, under said By-law Number 916, or the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except as varied by said By-law Number 2424, and that, save as varied by said By-law Number 2424, and as heretofore varied by by-laws of the council of the corporation, and agreements in writing between the corporation and the company, entered into in pursuance of such by-laws, the said By-law Number 916, and the said agreement bearing date the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns.

Now these Presents witness that in consideration of the granting of the rights and privileges which are by the said By-law Number 2424, granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree, to and with the corporation, and their successors, in manner following, that is to say:—

1. That the company do hereby accept the said By-law Number 2424, and that the company, their successors and assigns will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions agreements, stipulations, regulations, obligations, provisions and things in the said By-law Number 2424 contained, upon, under and subject to which the said rights and privileges are by the said By-law Number 2424 granted to the company, and will do and perform all acts, matters

and

and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

2. That nothing in the said By-law Number 2424 contained shall prejudice or affect any of the rights or powers of the Engineer for the time being of the corporation under the provisions of said sub-section (s) of said section twenty-five of said By-law Number 916, or the agreement between the corporation and the company bearing date the sixth day of June, A.D. 1895, to determine, alter, change or vary the speed, and service, and intervals of running cars, with the approval of the council of the corporation, as provided by said sub-section (s) or, the rights or powers of the council of the corporation, under said sub-section (s), to change or vary any route or routes, as thereby provided, or the exercise of any such rights or powers.

3. That nothing in the said By-law Number 2424 contained shall prejudice or affect the rights and powers of the Engineer for the time being of the corporation, or the rights and powers of the council of the corporation, or of the corporation, under said By-law Number 916, or the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except as varied by said By-law Number 2424; and that, save as varied by said By-law Number 2424, and as heretofore varied by by-laws of the council of the corporation, and agreements in writing between the corporation and the company, entered into in pursuance of such by-laws, the said By-law Number 916, and the said agreement bearing date the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns.

4. And the corporation do hereby, so far as they have the power so to do, ratify and confirm the said By-law Number 2424, and the rights and privileges thereby granted to the company, subject, however, to all terms, conditions, agreements, stipulations, regulations, obligations, provisos and things in the said By-law Number 2424 and this agreement contained.

In witness whereof the corporation have caused to be affixed their corporate seal, and the Mayor and City Clerk have set their hands, and the company have caused to be affixed their corporate seal, and their President and Secretary have set their hands the day and year first above written.

Signed, Sealed and Delivered in the presence of	THE LONDON STREET RAILWAY. (Company's Seal.)
WM. B. MARTIN, witness as to H. A. EVERETT.	HENRY A. EVERETT, President.
B. M. F. MCKELLER, witness as to C. E. A. CARR.	C. E. A. CARR, Secretary.
FRANCIS LOVE, witness as to signature of A. BECK.	A. BECK, Mayor.
FRANCIS LOVE, witness as to signature of C. B. EDWARDS.	C. B. EDWARDS, City Clerk. (Corporation Seal.)

SCHEDULE D.

(Section 1.)

By-law No. 2491.

Respecting the London Street Railway Company.

Whereas, by By-law number 916 respecting the London Street Railway Company, passed on the 21st day of May, A.D. 1895, and certain

certain articles of agreement between the corporation of the City of London (hereinafter called the corporation) and the London Street Railway Company (hereinafter called the company) bearing date the sixth day of June, A.D. 1895, it was, by section ten of the said by-law, provided that whenever it shall be deemed expedient by the corporation, or the council thereof, under the provisions of the local improvement clauses of "The Consolidated Municipal Act, 1892," or under any other Act or authority, to pave or repave, whether with materials different from what are now in use or not, any street, or portion of a street, upon or along which the railway tracks of the company, or any of them, are or shall be laid, the track allowances shall at the same time that the paving or repaving is being done on the adjoining portions, of the street be paved by and at the expense of the company, with the like materials, or such other materials as shall be approved of by the council of the corporation, and in the same manner as the adjoining portion of the said street is so paved or repaved, and to the satisfaction of the City Engineer the company furnishing the materials, and the specifications for all such paving or repaving to be done by the company, including the foundations thereof, under the provisions of sub-section one of said section ten, shall be submitted to and approved of by the said Engineer before any of the said work is commenced by the company, and thereafter the same shall be paved and kept in repair, to the satisfaction of the said Engineer, by and at the expense of the company, the company furnishing the materials, and the company shall be responsible for, and make good to the corporation, all loss, damages, costs, charges and expenses which the corporation may incur or be put to by reason of any failure of the company to conform to the provisions of said Sub-section One of said Section Ten, or any delay on the company's part in so doing.

And whereas the council of the corporation, on the seventh day of September, A. D. 1904, passed a by-law, numbered 2424, to provide for the construction of a bitulithic pavement, with cement kerb and gutter, on that part of Dundas Street which lies between Adelaide Street and Elizabeth Street, under the provisions of the 664th and 665th sections of *The Consolidated Municipal Act, 1903.*

And whereas the company desire to pave the track allowances on that part of Dundas Street aforesaid with best standard vitrified brick, and with at least one row of best standard vitrified moulded brick, to be placed parallel to the rails and breaking joints, to be laid on the inside and on the outside of each of the said rails, instead of paving the said track allowances with bitulithic pavement; and the council of the corporation has, under the provisions of section ten of said By-law number 916, approved of vitrified brick being used, as aforesaid, by the company.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That the paving by the Company of the track allowances on that part of Dundas Street which lies between Adelaide Street and Elizabeth Street, with best standard vitrified brick, and with at least one row of best standard vitrified moulded brick, to be placed parallel to the rails and breaking joints, to be laid on the inside and on the outside of each of the said rails, instead of paving the said track allowances with bitulithic pavement, be and the same is hereby approved of by the council of the corporation.

2. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless or until formally accepted by the company within two weeks after the passing of this by-law by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and

shall

shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or affect the rights of the corporation under said By-law number 916, and the said agreement between the company and the corporation dated the 6th day of June, A. D. 1895, except as varied by this by-law.

Passed in open council this 16th day of January, A. D. 1905.

(L.S.) (Sgd.) S. BAKER, Clerk. (Sgd.) CL. T. CAMPBELL, Mayor.

Articles of Agreement made the 30th day of January, A. D. 1905, between the Corporation of the City of London (hereinafter called the Corporation), of the First Part, and The London Street Railway Company (hereinafter called the Company), of the Second Part.

Whereas by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A. D. 1873, entitled *An Act to Incorporate The London Street Railway Company*, it is amongst other things, provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion ,and generally for the safety and convenience of the passengers; the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas by By-law number 916, respecting The London street Railway Company, passed on the twenty-first day of May, A. D. 1895, the consent, permission, and authority of the corporation was given and granted to the company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the eighth day of March, A. D. 1875, a surface electric street railway on the trolley system, upon and along certain streets of the said Citv of London, particularly mentioned in the said by-law, upon and subject to the conditions and agreements therein contained.

And whereas, by sub-section one of section ten of said By-law Number 916, it is provided as follows:-Whenever it shall be deemed expedient by the corporation or the council thereof, under the provisions of the local improvement clauses of "The Consolidated Municipal Act, 1892," or under any other Act or authority, to pave or repave, whether with materials different from what are now in use or not, any street, or portion of a street, upon or along which the railway tracks of the company, or any of them, are or shall be laid, the track allowances shall at the same time that the paving or repaving is being done on the adjoining portions of the street be paved by and at the expense of the company, with the like materials, or such other materials as shall be approved of by the

the council of the corporation, and in the same manner as the adjoining portion of the said street is so paved or repaved, and to the satisfaction of the City Engineer, the company furnishing the materials, and the specifications for all such paving or repaving to be done by the company, including the foundations therefor, under the provisions of this sub-section, shall be submitted to and approved of by the said engineer before any of the said work is commenced by the company, and thereafter the same shall be paved and kept in repair, to the satisfaction of the said engineer, by and at the expense of the company, the company furnishing the materials, and the company shall be responsible for and make good to the corporation all loss, damages, costs, charges and expenses which the corporation may incur or be put to by reason of any failure of the company to conform to the provisions of this sub-section, or any delay on the company's part in so doing.

And whereas the council of the corporation, on the seventh day of September, A. D. 1904, passed a by-law, numbered 2424, to provide for the construction of a bitulithic pavement, with cement kerb and gutter, on that part of Dundas Street which lies between Adelaide Street and Elizabeth Street, under the provisions of the 664th and 665th sections of "The Consolidated Municipal Act, 1903."

And whereas the council of the corporation, by By-law Number 2491, passed on the sixteenth day of January, A.D. 1905, approved of the paving by the company of the track allowances on that part of Dundas Street aforesaid, with best standard vitrified brick, and with at least one row of the best standard vitrified moulded brick, to be placed parallel to the rails and breaking joints, to be laid on the inside and on the outside of each of the said rails, instead of paving the said track allowances with bitulithic pavement.

And whereas these Presents are intended to give effect to the said by-law, and to bind the company to keep the terms contained in the said by-law, and that nothing in the said by-law contained shall prejudice or affect the rights of the corporation under said By-law number 916, and the agreement between the company and the corporation dated the sixth day of June, A. D. 1895, except as varied by the said By-law 2491.

Now these Presents witness that, in consideration of the granting of the powers and privileges which are by the said By-law Number 2491 granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors, in manner following, that is to say:—

That the company do hereby accept the said By-law Number 2491, and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every, the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said powers and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the company also covenant and agree with the corporation that nothing in the said By-law Number 2491 contained shall prejudice or affect the rights of the corporation under said By-law Number 916, or the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except in so far as the same are varied by the said By-law Number 2491.

In witness whereof the corporation have caused to be affixed their corporate seal, and the Mayor and City Clerk have set their

hands,

hands, and the company have caused to be affixed their corporate seal, and their President and Secretary have set their hands, the day and year first above written.

Signed, Sealed and Delivered in the presence of
C. B. ROBINSON, by the MAYOR AND CITY CLERK.
KATE FORTNER, as to signature of T. H. SMALLMAN and C. E. A. CARR.

Cl. T. CAMPBELL, Mayor, (Corporation Seal)
S. BAKER, City Clerk.
T. H. SMALLMAN, Vice President.
C. E. A. CARR, Secretary. (Company Seal)

SCHEDULE E.

(Section 2.)

By-law Number 467 of the Municipal Council of the Corporation of the Township of London.

To amend By-law Number 391 of the said Township Council respecting the London Street Railway Company.

1. By-law Number 465 of the said Municipal Council of the Corporation of the Township of London is hereby repealed.

2. Clause number 6 of By-law Number 391 of the said Municipal Council of the Corporation of the Township of London is hereby amended by adding thereto the following sub-section:—

3. Whenever in this by-law the words "track allowance" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and where double tracks, Y's, turn-outs, switches or side-tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the double tracks, switches, side-tracks, Y's, and turnouts, and between the double tracks and between the tracks of the Y's, and between the tracks and the turn-outs, and eighteen inches outside of the outer rails of such double tracks, Y's turn-outs, switches, and side-tracks, and, where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of each rail.

3. Clause Number 7 of the said By-law Number 391 is hereby repealed and struck out and the following clause is substituted therefor:—

7. (1) The track allowances shall be paved, macadamized or gravelled, conforming in that respect with the roadway on each side thereof, by and at the expense of the company, when and as their rails are being laid or relaid; and the track allowances shall be kept and maintained by the company, during the continuance of this by-law or of the extension of the company's rights thereunder, level with the rails, and free from ruts, hollows, depressions or defects of any description and in thorough repair to the satisfaction of the said engineer, or renewed from time to time by the company at their own expense, to the satisfaction of the said engineer, all materials to be furnished by the company and to be satisfactory to the said engineer, and all the said work to be done to his satisfaction and when and as required by him.

(2) The company shall construct and maintain in good repair, crossings similar to those for the time being in use by the corporation on the said streets, at the intersection of each railway track with any street (either as now existing or as may be hereafter established)

established) which the same shall cross, to the extent of the width of the track allowances, the materials to be furnished by the company.

(3) Whenever the company break up, open or interfere with any street, the same shall be restored by the company, at their own expense to its previous condition, under the supervision and to the satisfaction of the said engineer, and with all practicable speed, as to which the said engineer shall be the judge.

4. Sub-section "D" of Clause 22 of said By-law Number 391 is hereby repealed and struck out and the following clause is substituted therefor:—

(d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance from any point on their line of railway authorized to be constructed on the Governor's Road in the said Township under said By-law Number 391, to any other point thereon or to any point on their railway within the limits of the City of London as now existing or as may be hereafter extended, or to any point on their railway on the Proof Line Road in the said Township authorized to be constructed under By-law Number 431, or for a continuous journey of any distance from any point on their railway within the limits of the said City of London as now existing or as may be hereafter extended or from any point on the said railway on the Proof Line Road authorized to be constructed as aforesaid to any point on the said line of railway on the Governor's Road authorized to be constructed as aforesaid, a cash fare of five cents, except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free; and shall sell tickets at the price of twenty-five cents for seven tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between the hour when the cars commence running and twelve o'clock at midnight and shall also sell another class of tickets at the price of twenty-five cents for nine tickets, the same to entitle the holder to one continuous journey on the cars as aforesaid between the hours of 6.30 a.m. and 8 a.m. and between the hours of 5 p.m. and 6.30 p.m. and shall also carry children between the ages of five and twelve years for a cash fare of three cents for one continuous journey as aforesaid and shall sell two childrens' tickets good for children between the ages of five and twelve years, at the price of five cents for one continuous journey as aforesaid; and the company shall grant transfers without any additional charge for both adults and children, from any point on their said railways to any other point thereon for a continuous journey which is not a return trip, and shall from time to time, make proper and sufficient arrangements similar to those in force in the City of London, for the purposes of such transfers. And the company shall also carry free of charge from any point on the railway on the said Governor's Road authorized to be constructed as aforesaid, to any other point thereon, all police constables in uniform, all health inspectors and other officers of the corporation in uniform or wearing badges. The fare set out in this section shall not apply to chartered or private cars. Provided always that for the purposes of this section, the Springbank line shall not be considered as a portion of the company's railway, notwithstanding that the limits of the City of London may be extended so as to bring the said line within the said limits, but the company shall nevertheless carry passengers from any point on their railway authorized to be constructed under the provisions of By-law number 391, to any point on their Springbank line, and fom any point on their Springbank line to any point on their said railway authorized to be constructed under the said by-law, for the same fare and subject to the same terms and conditions as shall from time to time hereafter prevail for the carrying of passengers from the company's railway within the City of London to the said Springbank line, and from the said Springbank line to the company's said railway within the said City of London."

5.

5. Clause number 22 of said By-law number 391 is hereby amended by adding thereto the following clause:—

"(t) The corporation shall be at liberty from time to time by by-law or resolution to change the time fixed by sub-section (d) of section 22 hereof, at between 5 p.m. and 6.30 p.m., when the holder of a ticket purchased at the price of twenty-five cents for nine tickets shall be entitled to one continuous journey on the cars as aforesaid, to such other time in the afternoon as the council of the corporation may from time to time deem expedient to suit the convenience of the working classes returning from work, provided that the times between which the said tickets may be so used as aforesaid, and so fixed from time to time by the corporation shall not exceed an hour and a half in each afternoon, and provided also that the corporation of the City of London shall have changed the hours under a similar clause in By-law number 916 of the City of London, and that the hours so fixed by the said corporation are the same as those fixed by the said corporation of the City of London, and all said tickets issued by the company before such change and not used at the time of such change shall thereafter be good only for the hours substituted by the council of the corporation as aforesaid, and between the hours of 6.30 a. m. and 8 a. m."

6. (1) Whenever it shall be deemed expedient by the corporation or the council thereof under the provisions of local improvement clauses of *The Consolidated Municipal Act, 1892*, or under any other Act or authority to pave or repave, whether with materials different from what are now in use or not, any street or portion of a street, upon or along which the railway tracks of the company, or any of them, are or shall be laid, the track allowances shall at the same time that the paving or repaving is being done on the adjoining portions of the street, be paved by and at the expense of the company, with the like materials, or such other materials as shall be approved of by the council of the corporation, and in the same manner as the adjoining portion of the said street is so paved or repaved, and to the satisfaction of the said engineer, the company furnishing the materials, and the specifications for all such paving or repaving to be done by the company, including the foundations therefor, under the provisions of this sub-section shall be submitted to and approved of by the said engineer before any of the said work is commenced by the company, and thereafter the same shall be paved and kept in repair to the satisfaction of the said engineer, by and at the expense of the company, the company furnishing the materials, and the company shall be responsible for and make good to the corporation, all loss, damages, costs, charges and expenses, which the corporation may incur or be put to by reason of any failure of the company to conform to the provisions of this sub-section or any delay on the company's part in so doing.

(2) It shall be the duty of the company, whenever any street, or portion of a street, is to be paved or repaved, to take up its tracks or substructures thereon, if and when the said engineer shall deem necessary to do so, and re-lay the same according to the best modern practice, and to the satisfaction of the said engineer.

7. This by-law shall not take effect or be binding upon the corporation, unless and until formally accepted by the company within thirty days from the passing thereof, by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, stipulations, terms and conditions herein contained, and such agreement shall be approved by the solicitors for the corporation, and when so approved shall also be executed under the seal of the corporation and the reeve and clerk thereof.

Passed in open council this 13th day of February, 1901.

(Sdg.) MARY GRANT. (Sgd.) JAS. H. HODGINS,
Clerk. Reeve.
(Seal London Township).

Articles

Articles of Agreement made (in duplicate) the Twenty-fifth day of February, A. D. 1904, between The Corporation of the Township of London, hereinafter called the Corporation, of the First Part, and the London Street Railway Company, hereinafter called the Company, of the Second Part.

Whereas the council of the corporation on the 20th day of June, A. D. 1901, passed a by-law numbered 391, granting to the company certain rights for the construction, maintenance and operation of the street railway upon and along the Governor's Road in the said Township of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things therein contained.

And whereas the said council of the said corporation on the thirteenth day of February, A. D. 1904, passed a by-law numbered 467, whereby the said By-law number 391 was amended in respect to the maintenance of the said Governor's Road, the paving thereof and the fares to be charged upon the said railway, a true copy of which said By-law number 467 is hereto annexed.

And whereas these presents are intended to give effect to the said by-law, and the same have been approved of by the solicitors for the said corporation.

Now these presents witnesseth that in consideration of the rights and privileges which are by the said By-law number 467 granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree, to and with the corporation and their successors, in manner following, that is to say:—

That the company do hereby accept the said by-law, and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained upon, under and subject to which the said rights and privileges are by the said By-law number 467 granted to the company, and will do and perform all acts, matters and things, which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said By-law number 467 provides is not to be done by the company. And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the Company, subject however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal, and the Reeve and Clerk have set their hands and the company have caused to be affixed the corporate seal, and the Vice-President and Secretary have set their hands the day and year first above written.

Jas. H. Hodgins,
Reeve.
Mary Grant,
Clerk.
(Township Seal).
T. H. Smallman,
Vice-President.
C. E. A. Carr,
Secretary.
(Company Seal).

Signed, sealed and delivered in the presence of
J. C. Judd, as to signatures of Jas. H. Hodgins and Mary Grant.
B. M. F. McKellar, as to signatures of T. H. Smallman and C. E. A. Carr.

SCHEDULE F.

SCHEDULE F.

(Section 2.)

By-law Number 468 of the Municipal Council of the Corporation of the Township of London, to amend By-law Number 431 of the said Township Council respecting The London Street Railway Company.

1. By-law number 466 of the said Municipal Corporation of the Township of London is hereby repealed.

2. Sub-section D of clause 22 of By-law number 431 of the said Municipal Council of the Corporation of the Township of London is hereby repealed and struck out and the following clause is substituted therefor:—

"(d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance from any point on their line of railway authorized to be constructed on the Proof Line Road, in the said Township, under said By-law number 431, to any other point thereon or to any other point on their railway within the limits of the City of London as now existing or as may be hereafter extended, or to any point on their railway on the Governor's Road in the said Township authorized to be constructed under By-law number 391, or for a continuous journey of any distance from any point on their railway within the limits of the said City of London as now existing or as may be hereafter extended, or from any point on the said railway on the Governor's Road authorized to be constructed as aforesaid to any point on the said railway on the Proof Line Road authorized to be constructed as aforesaid, a cash fare of five cents except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free; and shall sell tickets at the price of twenty-five cents for seven tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between the hour when the cars commence running and 12 o'clock midnight, and shall also sell another class of tickets, at the price of twenty-five cents for nine tickets, the same to entitle the holder to one continuous journey on the cars as aforesaid between the hours of 6.30 a. m. and 8 a. m., and between the hours of 5 p. m. and 6.30 p. m., and shall also carry children between the ages of five and twelve years for a cash fare of three cents for one continuous journey as aforesaid, and shall sell two children's tickets, good for children between the ages of five and twelve years at the price of five cents for one continuous journey, and the company shall grant transfers without any additional charge for both adults and children from any point on their said railway to any other point thereon for a continuous journey, which is not a return trip, and shall from time to time make proper and sufficient arrangements similar to those in force in the City of London for the purpose of such transfers. And the company shall also carry free of charge from any point on their railway on the said Proof Line Road authorized to be constructed as aforesaid to any other point thereon, all police constables in uniform, and all health inspectors, and other officers of the corporation in uniform or wearing badges. The fares set out in this section shall not apply to chartered or private cars. Provided always that for the purposes of this section the Springbank line shall not be considered as a portion of the company's railway, notwithstanding that the limits of the City of London may be extended so as to bring the said line within the said limit, but the company shall, nevertheless, carry passengers from any point on their railway authorized to be constructed under the provisions of By-law number 431, to any point on their Springbank line, and from any point on their Springbank line to any point on their said railway authorized to

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be constructed under the said by-law, for the same fare, and subject to the same terms and conditions as shall from time to time hereafter prevail for the carrying of passengers from the company's railway within the City of London to the said Springbank line, and from the said Springbank line to the company's said railway within the said City of London."

3. Clause No. 22 of said By-law number 431 is hereby amended by adding thereto the following clause:—

"(t) The corporation shall be at liberty from time to time by by-law or resolution to change the time fixed by sub-section (d) of section 22 hereof at between 5 p. m. and 6.30 p. m. when a holder of a ticket purchased at the price of twenty-five cents for nine tickets shall be entitled to one continuous journey on the cars as aforesaid to such other time in the afternoon as the council of the corporation may from time to time deem expedient to suit the convenience of the working classes returning from work, provided that the times between which the said tickets may be so used as aforesaid and so fixed from time to time by the corporation shall not exceed an hour and a half in each afternoon, and provided also that the corporation of the City of London shall have changed the hours under a similar clause in By-law number 916 of the City of London, and that the hours so fixed by the said corporation are the same as those fixed by the said corporation of the City of London, and all said tickets issued by the company before such change and not used at the time of such change shall thereafter be good only for the hours substituted by the council of the corporation as aforesaid and between the hours of 6.30 a. m. and 8 a. m."

4. This by-law shall not take effect or be binding upon the corporation unless and until formally accepted by the company within thirty days after the passing thereof by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall be approved by the solicitors for the corporation, and when so approved shall also be accepted under the seal of the corporation and the Reeve and Clerk thereof.

Passed in open council this 13th day of February, 1904.

MARY GRANT, Clerk. JAS. H. HODGINS, Reeve.

(Township Seal.)

Articles of Agreement made (in duplicate) the Twenty-fifth day of February, A. D. 1904, between the Corporation of the Township of London, hereinafter called the Corporation, of the First Part, and the London Street Railway Company, hereinafter called the Company, of the Second Part.

Whereas the council of the corporation on the 20th day of June, A. D. 1901, passed a By-law numbered 431, granting to the company certain rights for the construction, maintenance and operation of the street railway upon and along the Proof Line Road in the said Township of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things therein contained.

And whereas the said council of the said corporation on the thirteenth day of February, A. D. 1904, passed a By-law numbered 468 whereby the said By-law number 431 was amended in respect to the fares to be charged upon the said railway, a true copy of which By-law number 468 is hereto annexed.

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the solicitors for the said corporation.

Now these presents witnesseth that in consideration of the rights and privileges which are by the said By-law number 468 granted

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by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree, to and with the corporation and their successors, in manner following, that is to say:—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfill and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said By-law number 468 granted to the company, and will do and perform all acts, matters and things, which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said By-law number 468 provides is not to be done by the company. And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal, and the Reeve and Clerk have set their hands, and the company have caused to be affixed the corporate seal and the Vice-President and Secretary have set their hands the day and year first above written.

JAS. H. HODGINS,
Reeve.

MARY GRANT,
Clerk.
(Corporation Seal).

T. H. SMALLMAN,
Vice-President.

C. E. A. CARR,
Secretary.
(Company's Seal).

Signed, sealed and delivered in the presence of

J. C. JUDD, as to the signatures of Jas. H. Hodgins and Mary Grant.

B. M. F. MCKELLAR, as to signatures of T. H. Smallman and C. E. A. Carr.

CHAPTER

CHAPTER 99.

An Act to incorporate The Manitoulin and Iron Range Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS William Howard Hearst, John McKay, James Miller and James Leland Darling, all of the Town of Sault Ste. Marie, in the District of Algoma, and James Stobie of the Township of Johnson, in the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Manitoulin and Iron Range Railway Company" for the purpose of constructing, maintaining and operating a railway from a point at or near the Township of Hutton, in the District of Nipissing, thence southerly and westerly by the most feasible route to a point on Lake Huron, between the Township of Humbolt and the Town of Little Current in the Province of Ontario; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or by electricity; and whereas, owing to the location of the line of the said railway the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat. c. 209.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. William Howard Hearst, John McKay, James Miller, James Leland Darling, and James Stobie and

and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Manitoulin and Iron Range Railway Company" hereinafter called "the Company".

Location of line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single steel tracks, from a point in or near the Township of Hutton, in the District of Nipissing, in the Province of Ontario, thence southerly and westerly by the most feasible route to a point on Lake Huron between the Township of Humbolt and the Town of Little Current, in the Province of Ontario, and to construct branch railways, none of which are to exceed twelve miles in length, and to exercise all the rights, powers and privileges required therefor in as full and ample a manner as for the railway; and the said railway, or any part thereof so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same; provided that *The Electric Railway Act* shall not apply to the company except in so far as their railway is constructed along or upon a public highway.

Rev. Stat. c. 209, 3 Edw. VII. c. 19.

Guage.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said William Howard Hearst, John McKay, James Miller, James Leland Darling, and James Stobie, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to

to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and to recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion, exclude any one or more of the said subscribers if, in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Sault Ste. Marie, in the District of Algoma, or at such other place as may best suit the interests of the company.

Rev. Stat., c. 207.

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyance to the company their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance of lands to company.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscription for stock, when binding.

Aid from municipalities, etc.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

9. The capital stock of the company hereby incorporated shall be $500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First meeting of shareholders for election of directors.

10. When and as soon as shares to the amount of $100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said Town of Sault Ste. Marie, of the time, place and purpose of the said meeting.

Number of directors and term of office, etc.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway*

Railway Act of Ontario; and the said board may employ and pay one of their number as managing director.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Construction of line in sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c. 207.

Rights of aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects and shall also be eligible for office as directors in the company.

Calls on stock.

15. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall

shall be given of each call, as hereinafter provided in section 17 of this Act.

Directors authorized to pay in stock.

16. The directors may pay or agree to pay in paid up stock or in the bonds of the company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Head office.

17. The head office of the company shall be at the said Town of Sault Ste. Marie and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Bonding powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railway and branches and the provisions of sub-sections, 19, 20, 21, 22 and 23 of section 9, of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Bonds, how payable

21. All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Promissory notes and bills of exchange.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer as may be provided by the by-laws of the company which by-laws shall be submitted for approval by the Lieutenant-Governor-in-Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging or pledging bonds.

23. The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph and telephone lines.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing working and protecting the said telegraph and telephone lines the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Bonus or loans by municipalities to company.

26. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the company shall pass or be situate may aid the company, by giving money or debentures, by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submission of by-law to ratepayers.

27. Such by-laws shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:—

Procedure.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

(3)

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

28. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Deposit by company of expenses of by-law.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the Treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Final passing of by-law.

30. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures under by-law.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed under this Act.

Rate, how to be levied when bonus is granted.

32. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 3 Edw. VII, c. 19.

33. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same has been passed by or for the whole municipality.

By-laws extending time for commencement of work.

34. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year.

By-laws extending time for completion.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time provided that no such extension shall be for a longer period than one year at a time.

Increase of municipal rate up to three cents for purpose of paying bonus.

36. Any municipality, or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents on the dollar upon the value of the rateable property therein.

By-laws exempting from taxation.

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such

such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gift of lands by municipality for right of way, etc.

38. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Debentures in aid of railway to be delivered to three trustees.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor-in-Council, one by the company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor-in-Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor-in-Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor-in-Council. Proviso.

Duties of trustees of bonds and debentures.

40. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Manitoulin and Iron Range Railway Municipal Trust Account and to pay the same out to the company from time to time as the company becomes entitled

titled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to purchase whole lots.

42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 207.

Acquiring materials for construction.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple

Rev. Stat. c.207.

ple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits.

44. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over all lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 207.

Rev. Stat., c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

General powers.

45. The company shall have power and authority;—

Warehouse, elevators, etc.

(1) To purchase land for and erect power-houses, warehouses, elevators, ore and other docks, stations, workshops, machine shops, foundaries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate, and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect necessary buildings, wharves, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

(3)

Powers as to production and use of electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway and for the lighting and heating the rolling stock and other property of the company;

Lease or sell electricity not required for railway.

(4) To sell or lease in the unorganized territory and in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions imposed by such by-law any such electricity not required for the purpose aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold property necessary for the purposes mentioned in this sub-section;

Acquiring right to transmit electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction of railway on highways.

46. (1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company, and such municipality and under and subject to the terms of such agreement and of section 2 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars,

carriages

carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, subsection 5 of the preceding section, and in this section, shall be subject to the conditions and provisions of section 632 of *The Consolidated Municipal Act, 1903*. 3 Edw. VII. c. 19.

Snow fences.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered. Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Amalgamation with other companies.

48. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the James Bay Railway Company, and the Manitoulin and North Shore Railway Company, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, as may be agreed on, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Connections and running arrangements with other companies.

49. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the James Bay Railway Company and the Manitoulin and North Shore Railway Company, if lawfully empowered to enter into such agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for

that

that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line, but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Transfer of shares of stock.

50. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Collection of back charges.

51. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Provisions of Rev. Stat., c. 207 not to apply. Provisions of Rev. Stat., c. 207 to apply.

52. Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "This Act" when used herein, shall be understood to include the clauses

of

of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time for commencement and completion

53. The railway hereby authorized shall be commenced within two years and finished and put in operation within four years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Limitation of transmission of electrical energy.

54. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchises, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Agreements with other companies to be subject to regulations.

55. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for amalgamation, connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Crown may use right of way for the transmission of power to municipalities.

56.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such persons may at all times enter upon the right of way of the company hereby incorporated and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

SCHEDULE "A."

(*Section 6.*)

Know all men by these presents that I (or we) (insert the name of the vendor or vendors) in consideration of dollars paid to me (or us) by The Manitoulin and Iron Range Railway Company, the receipt whereof is hereby acknowledged do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel or certain parcels (as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Manitoulin Iron Range Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands. any other clauses, covenants and conditions required) and I (or day of , one thousand nine hundred and five.

Signed, sealed and delivered
In the presence of

SCHEDULE "B."

(*Section 40.*)

CHIEF ENGINEER'S CERTIFICATE.

The Manitoulin and Iron Range Railway Company's Office.

No. A. D. 1905.

Engineer's Department.

Certificate

Certificates to be attached to cheques drawn on The Manitoulin and Iron Range Railway Company Municipal Trust Account, given under section , chapter , of the Acts of the Legislature of Ontario, passed in the sixty-second year of Her Majesty's reign.

I, chief engineer of The Manitoulin and Iron Range Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of or under the agreement dated the day of between the corporation of and the said company, to entitle the said company to receive from the said trust the sum of (Here set out the terms and conditions, if any, which have been fulfilled.)

CHAPTER

CHAPTER 100.

An Act respecting the New Ontario Railway Company.

Assented to 25th May, 1905.

Preamble. WHEREAS the New Ontario Railway Company has by petition prayed that an Act may be passed extending the time for the commencement and completion of the line of railway of the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

2 Edw. VII. c. 86 s. 55 repealed. 1. Section 55 of the Act passed in the second year of His Majesty's reign, chaptered 86, and intituled *An Act to Incorporate the New Ontario Railway Company*, is repealed, and the said Act is declared to be and to have continued to be in force in the same manner and to the same extent as if the said section 55 had not been enacted.

Time for commencement and completion of railway. 2. The construction of the railway authorized by the said Act of Incorporation shall be commenced within one year and finally completed within three years after the passing of this Act.

Crown may use right of way for the transmission of power to municipalities. 3.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of

of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred, except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act, and of the said Act incorporating the said company, shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality

CHAPTER

CHAPTER 101.

An Act to incorporate the Niagara, Dunnville and Erie Electric Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS William John Aikins, of the Town of Dunnville, in the County of Haldimand, Manager; William F. Haskins, of the same place, Banker; James Rolston, of the same place, Merchant; Joshua Smith Hamilton, of the City of Brantford, in the County of Brant, Manufacturer; William George Elliott, of the same place, Contractor; and Norman Blain Gash, of the City of Toronto, Barrister-at-Law; have, by their petition, prayed for an Act of incorporation under the name of "The Niagara, Dunnville and Erie Electric Railway Company," for the purpose of constructing and operating by electricity or any other motive power approved by the Railway Committee of the Executive Council for Ontario, except steam, a railway from some point in or near the City of St. Catharines, or the Town of Merritton, in the County of Lincoln, passing through the Townships of Grantham, Louth and Gainsborough, in the County of Lincoln, the Townships of Thorold, Pelham, and Wainfleet, in the County of Welland, and the Township of Moulton, to the Town of Dunnville, in the County of Haldimand, and from that point through the Townships of Dunn, South Cayuga, Rainham and Walpole, in the County of Haldimand, and the Township of Woodhouse, to the Village of Port Dover, in the County of Norfolk, with power to establish telegraph and telephone lines in connection with its said railway, and to define the company's bonding powers and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said William John Aikins, William F. Haskins, James Rolston, Joshua Smith Hamilton, William George Elliott, and Norman Blain Gash, and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Niagara, Dunnville and Erie Electric Railway Company."

Location of Line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by electricity or any other motive power approved by the Railway Committee of the Executive Council of Ontario, except steam, and from time to time alter, remove and change a double or single track, iron or steel railway of the gauge of four feet, eight and one-half inches, with all necessary branches, switches, side tracks and turn-outs for the passage of cars, carriages, motors and other vehicles adapted to the same, from some point in or near the City of St. Catharines, or the Town of Merritton, in the County of Lincoln, passing through the Townships of Grantham, Louth and Gainsborough, in the County of Lincoln, the Townships of Thorold, Pelham and Wainfleet, in the County of Welland, and the Township of Moulton, to the Town of Dunnville, in the County of Haldimand; and from that point through the Townships of Dunn, South Cayuga, Rainham and Walpole, in the County of Haldimand, and the Township of Woodhouse, to the Village of Port Dover, in the County of Norfolk; and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

Rev. Stat. c. 209.

3 Edw. VII., c. 19.

3.

Provisional directors.

3. The said William John Aikins, William F. Haskins, James Rolston, Joshua Smith Hamilton, William George Elliott and Norman Blain Gash, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall form a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act* by the shareholders.

Rev. Stat. c. 209.

Number of directors.

4. The number of directors shall be not less than five nor more than nine.

Head office.

5. The head office of the said company shall be at the Town of Dunnville, in the County of Haldimand, and all meetings of the provisional board of directors of the company shall be held at the said Town of Dunnville, or at such other place as may best suit the interests of the company.

Capital stock.

6. The capital stock of the company shall be $200,000, to be divided into 2,000 shares of $100 each.

The capital stock of the said company shall be applied and appropriated towards the construction of the said railway in the following manner:

(1) $100,000 to the section from Dunnville to Merritton or St. Catharines;

(2) $100,000 to the section from Dunnville to Port Dover.

First general meeting of shareholders.

7. When and so soon as ten per centum of the capital stock appropriated to any section shall be subscribed, and ten per centum of such authorized capital has been paid in cash to the credit of the company into some chartered bank of the Dominion having an office in the Province of Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders of the company for the purpose of organization.

Annual meeting of shareholders.

8. The date of the annual general meeting of the shareholders shall be fixed by the by-laws of the said company.

Special rates for perishable goods.

9. The said company may make uniform special rates for the storage and carriage of fruit, milk, and other perishable goods.

Authority to pay in paid-up stock or bonds.

10. The directors may enter into a contract or contracts with any individual, corporation or association of individuals

viduals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or in bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock, or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Payment of Expenses, Act, etc.

11. The directors are hereby expressly authorized to pay out of the monies of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Right of aliens.

12. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders of the company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Construction of line by sections.

13. The company is hereby authorized and empowered to take and make surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained; and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*; and to deposit the same as required by the clauses of the said *Electric Railway Act* and amendements thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized

Rev. Stat., c. 209.

of

of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than four miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof, applied to, included in, or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Railway Committee of the Executive Council of Ontario, may sanction and approve of the construction by sections at different points, and not continuously, along said line of railway.

Power to operate roads in sections.

Rev. Stat., c. 209.

14. Whenever any section of the said railway of not less than four miles in length has been completed, the company may give to the Railway Committee of the Executive Council of Ontario a notice as to it similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section so completed as if it were a completed road, and to its operation.

Bonding powers.

Rev. Stat., c. 209.

15. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures and other securities as therein provided, to an amount not exceeding $20,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities

ties may be exercised from time to time, as said sections of four miles or over are opened, to the amount of $20,000 a mile for each mile so opened, although ten per centum of the authorized capital applicable therefor as herein provided may not have been then actually expended, and when said ten per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of $20,000 per mile of the railway.

Mortgage securing bonds.

16. The company may secure the bonds, debentures or other securities hereby authorized to be issued, by a mortgage deed, creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company present or future, or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

Construction of line along highways.

3 Edw., VII., c. 19.

17. Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same, and subject also to the terms of, and unless restricted by, any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any road company, and if such highways be in the possession of or under the control of any road company, then also with the consent of and subject to the conditions imposed by such road company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may, from time to time, deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

By-laws exempting from taxation.

18. It shall be lawful for the corporation of any municipality through any part of which the undertaking of the company passes or in which it is situate, by by-law especially

ially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Power to make connections and running arrangements with other companies.

19. The company may at any points on or near to its line of railway connect its tracks with the tracks of any other railway company or companies, the lines of which are approached or crossed by the line or lines of the company, and it shall be lawful for the company to enter into any agreement with any or either of such railway companies, if lawfully authorized to enter into such an agreement, to amalgamate with, purchase, lease or otherwise acquire such railways, or any of them, or any part or parts thereof, or to sell and dispose of or lease to any of such companies the whole or any part of its railway, or to make arrangements with such companies, or any of them, for the interchange of passenger or freight traffic, or for the use by either company of the property, buildings, plant, material, rolling stock, machinery, appliances or facilities of the other, or for the supply of motive power, heat or light by either company to the other, or any other joint arrangement respecting the running arrangements of such companies or any of them, and the conduct of the joint traffic of the companies which may be parties to any such agreement; provided that nothing done under this section shall be valid until the same shall be first authorized by two-thirds in value of the shareholders of the company at a special general meeting to be held for that purpose, nor until the consent of the councils of the corporations of the municipalities affected thereby has first been obtained, or if such consent has been refused until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Powers as to agreements with other

20. The authority and power conferred on the company by this Act to enter into agreements with any other railway

way company for amalgamation, connections, running arrangements, sale, lease or hiring of said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions, and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order. Companies to be subject to regulations.

21. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway, and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. Telegraph and telephone lines. Proviso.

22. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by it, except so far only as they may be inconsistent with the expressed enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act. Application of Rev. Stat., c. 209.

23. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light, and heat, over or across any public highway or street in the said municipality. Municipalities not to grant exclusive rights.

24. Notwithstanding anything in this Act contained the railway shall not be constructed within the limits of any Operating in cities.

city

city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city; provided, always, that if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city, to be named by the city council, upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario, in case the city corporation and the said two companies are unable to agree upon the same.

Proviso.

Freight cars on highways.

25. The company may take, transport, and convey goods upon its railway to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway over the railway to be constructed as aforesaid, unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated on any such public highway until authorized by or except as directed by the said Railway Committee.

Crown may use right of way for the transmission of power to municipalities.

26.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company hereby incorporated, and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred, except under and subject to any agreement which may be entered into between

tween the Minister of Public Works and the said company.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

27.—(1.) In case the St. Catharines, Pelham and Welland Electric Railway Company shall prior to the 26th day of April, 1906, construct at least ten miles of that portion of its line of railway lying within Fenwick Station and Fonthill or between Fonthill and Welland or between Fonthill and St. Catharines, the company shall not construct that portion of its line of railway authorized to be constructed by this Act lying between the aforesaid points, and until the said 26th day of April, 1906, the Company shall not commence any construction work between the said points except with the consent of the St. Catharines, Pelham and Welland Electric Railway Company.

(2.) In case there should be any dispute between the two companies mentioned in this section as to anything contained therein the matters in dispute shall be referred to the Railway Committee of the Executive Council of Ontario which shall have power to decide the same.

CHAPTER 102.

An Act respecting The Ontario Electric Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS by an Act passed in 2nd year of the reign of His Majesty King Edward the Seventh, and chaptered 87, intituled *An Act to Incorporate The Ontario Electric Railway Company*, the time for the commencement of the construction of said railway was fixed at three years from the date of the said Act; and whereas the said company has been unable to commence the construction within the time limited in the said Act and has by its petition prayed that the time for the commencement and completion of the said railway may be extended, and that there may be made a change in the names of the persons who are incorporated by the said Act and who are named therein as provisional directors; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Time for commencing and completing railway extended.

1. Subject to the provisions hereinafter contained, the said Act to incorporate The Ontario Electric Railway Company is continued in force and the time for commencing the construction of the said railway is extended to two years from the date of the passing of this Act, and the time for completion of the said railway is extended to five years from the passing of this Act, notwithstanding anything contained in *The Electric Railway Act*, and section 125 of the said Act shall not apply and shall not be deemed to have applied to the said company.

Changing the names of certain incorporators and

2. The names of William Wallace of the City of Boston, President of The Boston Insurance Company, The Hon-

ourable

ourable William Harty, of the City of Kingston, Manufacturer, and August L. Patch, of the City of Boston, Accountant, are hereby substituted for and in place of Albert L. Jewell, Cornelius Bermingham and Horace N. Smith, in sections one and four of the said Act incorporating The Ontario Electric Railway Company. provisional directors.

3. Section 2 of the said Act is amended by striking out of said section after the word "sections" in the thirty-first line thereof the words "and with power to build and operate branches or extensions from the said main line not exceeding in each case thirty miles, the said branches not to extend beyond the limits of the counties in which the aforesaid townships are situated, and shall only be built after the approval of the Lieutenant-Governor in Council." 2 Edw. VII., sec. 2, amended.

4.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department, or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred, except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company. Crown may use right of way for the transmission of power to municipalities.

(2) The provisions of this Act and of any former Act relating to the said company shall be taken and deemed to be subject to any general Act passed at the present or any future Session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality. Act to be subject to general provisions as to Crown transmitting power to municipalities.

5.

2 Edw. VII., c. 87, s. 10 repealed.

5. Section 10 of the Act passed in the 2nd year of His Majesty's reign chaptered 87 is repealed, and the following substituted in lieu thereof:

Freight traffic.

10.—(1) The company may take, transport and convey goods upon its railway to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway over the railway to be constructed as aforesaid, unless and until the size and number of cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated on any such public highway until authorized by or except as directed by the said Railway Committee.

Special rates for perishable goods.

(2) The company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

CHAPTER

CHAPTER 103.

An Act to amend the Act to Incorporate The Ottawa River Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Ottawa River Railway Company, hereinafter called "the company," has, by its petition, prayed for the passing of an Act to amend the Act passed in the 4th year of His Majesty's reign, chaptered 85, intituled *An Act to incorporate The Ottawa River Railway Company*, and to authorize the company to construct a branch line from the Town of Orillia, in the County of Simcoe, to Port Stanley, in the County of Elgin, passing through the Counties of Simcoe, Dufferin, Wellington, Waterloo, Perth, Oxford and Elgin; and also a branch line from a point in the Township of Mara, in the County of Ontario, to the City of Toronto, passing through the Counties of Ontario and York; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Branch lines from Orillia to Port Stanley authorized.

1. Section 2 of the Act passed in the 4th year of His Majesty's reign, chaptered 85, is amended by adding at the end thereof the following: "And a branch line from the Town of Orillia to Port Stanley, passing through the Townships of Orillia, Vespra, Essa and Tossorontio, in the County of Simcoe; Mulmur, Mono, Amaranth, East Luther, and East Garafraxa, in the County of Dufferin; West Garafraxa, Peel or Nichol and Pilkington, in the County of Wellington; Woolwich or Wellesley and Wilmot, in the County of Waterloo; North Easthope, Downie, and Blanshard, in the County of Perth; West Zorra and East Nissouri, in the County of Oxford; West Nissouri, London and Westminster, in the County of Middlesex; Yarmouth and Southwold, in the County of Elgin; and touching at the Town of Orillia, and the Cities of Stratford, London

And from Township of Mara to Toronto.

London and St. Thomas; and also to construct a branch line from its main line at a point in the Township of Mara, in the County of Ontario, to the City of Toronto; passing through the Townships of Thorah, Brock, Scott and Uxbridge, in the County of Ontario, and, if necessary, through Georgina and or East Gwillimbury, Whitchurch, Markham and York, in the County of York.

4 Edw. VII., c. 85, s. 49 amended.

2. Section 49 of the said Act is hereby amended by inserting after the word "thereof" in the 13th line of said section the words "and the rights, powers, privileges and franchises thereof."

Time for completion of branch lines.

3. The branch lines authorized to be constructed by this Act shall be completed within two years from the passing of this Act.

Crown may use right of way for the transmission of power to municipalities.

4.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act and of the said Act incorporating the said company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER

CHAPTER 104.

An Act respecting the Pacific and Atlantic Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Pacific and Atlantic Railway Company has, by petition, set forth that the said company was incorporated in the 49th year of the reign of Her late Majesty Queen Victoria, chaptered 76. By an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 120, the said Act of incorporation was revived and the time for the commencement and completion of the said line was extended to two years and seven years, respectively, from the date of the passing of the said Act. That by an Act passed in the 2nd year of His Majesty's reign, Chaptered 89, the time for the commencement and completion of the said railway was further extended to three years and seven years, respectively, from the date of the said last mentioned Act. That the proposed line of the said company passes for the most part through sparsely settled and undeveloped parts of the country. That owing to engineering difficulties and consequent delay in locating the said railway the said company has been unable to commence the construction within the time limited by the said last mentioned Act. That the said company is desirous of adding certain persons as members of the provisional board of directors of the said company. That owing to the cost of construction of the said road it is necessary that the bonding powers of the said company should be extended. And whereas the said company has by the said petition prayed that an Act may be passed for the purposes set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

2 Edw. VII., c. 89, s. 2, repealed.

1. Section 2 of the Act passed in the 2nd year of His Majesty's reign, chaptered 89, is repealed, and notwithstanding anything in the said Act or in any former Act relating to the said company the said company is declared to be and to have been from the date of the passing of the said Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 120, a valid and subsisting corporation.

Time for commencement and completion.

2. The said railway shall be commenced and $300,000 in cash expended in actual construction thereon within one year, and the said railway shall be completed within five years from the date of the passing of this Act, and this section shall take effect as if the time limited for the commencement and completion of the construction of the said railway by the said Act passed in the 2nd year of His Majesty's reign, Chaptered 89, had been fixed and limited by the said Act, to the times mentioned in this section.

Provisional directors, 63 V., c. 120, s. 5, amended.

3. Section 5 of the said Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 120, is amended by inserting therein after the name "James George Shaw" in the 4th line of the said section the words following: "Francis Hector Clergue, of the Town of Sault Ste. Marie, in the District of Algoma, Manufacturer; William Morris, of the City of Toronto, in the County of York, Barrister-at-Law; George E. Drummond, of the City of Montreal, in the Province of Quebec, Manufacturer; William Henry Plummer, of the said Town of Sault Ste. Marie, Merchant; John MacArthur, of the Village of Hensall, in the County of Huron, Banker; and William Ashall Firstbrook, of the Town of Penetanguishene, in the County of Simcoe, Manufacturer.

Bonding powers, 49 V., c. 76, s. 30, amended.

4. Section 30 of the said Act passed in the 49th year of the reign of Her late Majesty Queen Victoria is amended by striking out the figures "$25,000" in the 5th line of the said section and inserting in lieu thereof the figures "$30,000."

Limitation of transmission of electric energy.

5. Notwithstanding anything contained in the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 120, or in any statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchise, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Agreements with other companies to be subject to regulations.

6. The authority and power conferred on the company by the said Act of Incorporation, to enter into agreements with any other railway company for amalgamation, connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Crown may use right of way for the transmission of power to municipalities.

7.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act and the various Acts relating to the company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER

CHAPTER 105.

An Act to incorporate the Penetanguishine and Orillia Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS John McArthur, Superintendent; James Goldthorpe, Accountant; Charles L. Wilson, Traffic Manager; Harry C. Moore, Student-at-Law, and Lorne W. Mitchell, Clerk, all of the City of Toronto in the County of York, have by their petition prayed for an Act of incorporation under the name of "The Penetanguishene and Orillia Railway Company" for the purpose of constructing and operating a railway from a point at or near Penetanguishene in the Township of Tay or Tiny in the County of Simcoe through the Townships of Tay or Tiny, Medonte, Matchedash, North Orillia, South Orillia, the Town of Orillia to some point at or near Brechin or Udney in the Township of Mara in the County of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The persons named in the preamble to this Act and such other persons, firms and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of "The Penetanguishene and Orillia Railway Company," hereinafter called "the Company."

Location of line.

2. The said Company and their servants and agents are authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by steam a railway with double or single iron or steel tracks with all necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same from some point at or near the Town of Penetanguishene in the Township of Tay

Tay or Tiny, in the County of Simcoe, through the said Township of Tay or Tiny, Medonte, Matchedash, North Orillia, South Orillia and the Town of Orillia to a point at or near Brechin or Udney in the County of Ontario.

Gauge. 3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors. 4. The persons named in the preamble to this Act, with power to add to their number, shall be and are constituted a board of provisional directors of the company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors. 5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto or at such other place as may best suit the interests of the Company.

Rev. Stat. c. 207.

Conveyances of land to Company. 6. Conveyances of land to the Company for the purposes of and powers given by this Act, made in the form set forth in Schedule "A" hereunder written or to the like effect, shall be sufficient conveyance to the Company, their successors

cessors and assigns, of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Subscriptions for stock when binding.

7. No subscription for stock in the capital of the Company shall be binding on the said Company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to Company.

8. The Company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid toward the construction, equipment or maintenance of the said railway by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c. 207.

9. The capital stock of the Company hereby incorporated shall be $500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 5,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such Company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining the said railway and to the other purposes of this Act.

First general meeting.

10. When and as soon as shares to the amount of $75,000 of capital stock in the Company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the Company, giving at least four weeks' notice of such

such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the City of Toronto, of the time, place, and purpose of said meeting.

Directors first election.

11. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the Company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 207.

Qualification of directors.

12. No person shall be qualified to be elected a director by the shareholders unless he is the owner and holder of at least ten shares of stock in the Company upon which all calls have been paid.

Construction of line by sections.

13. The Company is authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made

Rev. Stat. c. 207.

made, examined, certified, and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Rights of aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the Company.

Calls.

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

Contracts for construction, equipment, etc.

16. The directors may enter into a contract or contracts with any individual, corporation, or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in part or in whole, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock, or in bonds of the said Company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity until sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the Company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

Head Office.

17. The head office of the Company shall be at the said City of Toronto in the County of York, and the general annual meeting of the shareholders of the Company shall be held at the head office of the Company or elsewhere as the directors may deem most convenient on such days and

General annual meetings.

at

at such hours as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week for the same period in some newspaper published in the City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

18. Special general meetings of the shareholders of the Company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in the last preceding section.

Voting by proxy.

19. At all meetings of the Company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the Company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the Company.

Bonding powers.

20. The directors of the Company shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all $30,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

R.S.O. 1897, c. 207.

Transfer of bonds.

21. All such bonds, debentures, and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable instruments.

22. The Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary or Treasurer, as may be provided by the by-laws of the Company, which by-laws shall be submitted for approval by the Lieutenant-Governor-in-Council, shall be binding on the Company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall

shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the President, Vice-President, or the Secretary or Treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the Company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Pledging bonds for advances.

23. The Company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Agreement for use of rolling stock, etc.

24. It shall be lawful for the directors of the Company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph and telephone lines.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches; and, for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, are hereby conferred upon the Company provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the Company; provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the Company.

Rev. Stat. c. 192.

Proviso.

Aid from municipalities

26. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which

which or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Proviso.

27. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely: Submitting bonus by-law

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

28. Such by-law shall in each instance provide: Bonus by-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said

 debentures

debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

29. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Minister of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Minor Municipality" meaning of.

30. The term "Minor Municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit to be made before by-law submitted.

31. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law if assented to by ratepayers

32. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

33. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Levying rate on portion of municipality.

34. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 3 Edw. VII. c. 19.

35. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

36. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion

37. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

38. Any municipality, or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation

tion of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Proviso.

Municipality may grant exemption from taxation.

39. It shall be lawful for the corporation of any municipality throughout any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of land.

40. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Trustees of municipal debentures.

41. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor-in-Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor-in-Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees

trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor-in-Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor-in-Council.

Trusts of proceeds of debentures.

42. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Penetanguishene and Orillia Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

43. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to purchase whole lots.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient: but the compulsory clauses of

The

Rev. Stat. c. 207.

The Railway Act of Ontario shall not apply to this section.

Acquire lands for gravel pits, etc.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 207.

Sidings to gravel pits.

46. (1) When the said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 207.

Rev. Stat. c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Snow fences.

47. The Company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Power to collect back charges on goods.

48. The Company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges by the Company, the Company without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Agreements for connection with other railways.

49. (1) The said Company shall have power to agree for connections and making running arrangements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the James Bay Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the Company, if lawfully empowered to enter into any such agreement, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said Company to enter into an agreement or agreements with any such company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, carriages, or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line.

(2)

For leasing lines between same terminal.

(2) The Company may enter into an agreement with any other railway company owning or empowered to construct and operate a railway between the terminal points mentioned in section 2 of this Act or any portion of such line, or with any other company empowered to build lines of railway intersecting or crossing the line of railway between the said terminal points; for leasing or purchasing any such line or portion thereof or any of the rights and privileges conferred by the Act incorporating such company or any amendments thereof, and the Company may purchase from any such other company its line or portion thereof, or any or all of the rights and privileges conferred upon such other Company by its Act of Incorporation or any amendments thereto; and the Directors of each and all of the said companies may enter into such agreements with the Company, and the Company may exercise any of the said rights and privileges at any time within five years from the time of the passing of this Act, notwithstanding any limitation of time mentioned in any of the said Acts or *The Railway Act of Ontario*; and the Company may make payment of the price therefor wholly or partly in cash or wholly or partly in the fully paid up or partly paid up shares of the capital stock of the Company, or wholly or partly in the bonds or debentures of the Company or otherwise; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it: but nothing in this or the preceding sub-section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Rev. Stat. c. 207.

Agreements to be filed in Public Works Department.

(3) A duplicate of each such agreement referred to in sub-section (1) of this section shall within thirty days after its execution be filed in the office of the *Minister* of Public Works, and notice thereof shall be given by the Company in *The Ontario Gazette*, and thereupon such agreement shall be deemed to be complete and operative according to the terms thereof.

Acquiring securities of other companies.

50. The Company may acquire, hold, and dispose of stock or bonds, and other securities of the companies referred to in section 49 of this Act or any of them, and may pay for the same wholly or partly in cash, or wholly or partly in shares, debentures or bonds of the Company, and may guarantee payment of the bonds or other securities of any of the said companies.

Transfer of shares.

51. Shares in the capital stock of the Company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the Company, or the surrender thereof dispensed with by the Company.

Application of provisions of Rev. Stat. c. 207.

52. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Time for commencement and completion.

53. The railway shall be commenced within two years and finally completed within five years after the passing of this Act.

Agreements with other companies to be subject to regulations.

54. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Crown may use right of way for electric transmission power to municipalities.

55.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company hereby incorporated and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall

not

not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

SCHEDULE A.

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of $, paid to me (*or* us) by The Penetanguishene and Orillia Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of $, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Penetanguishene and Orillia Railway Company, their successors and assigns forever (*here insert any other clauses, conditions and covenants required*) and I (*or* we) the wife (*or* wives) of the said , do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of 19 .

Signed, sealed and delivered in the presence of [L.S.]

SCHEDULE B.

(*Section 42.*)

CHIEF ENGINEER'S CERTIFICATE.

The Penetanguishene and Orillia Railway Company's Office,
No. A.D.

Engineer's

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Penetanguishene and Orillia Railway Company Municipal Trust Account given under section 42, chapter , of the Acts of the Legislature of Ontario, passed in the fifth year of His Majesty's reign.

I, chief engineer of The Penetanguishene and Orillia Railway Company, do hereby certify that the said company has fullfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of , 19 , between the corporation of and the said company) to entitle the said company to receive from the said trustees the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER

CHAPTER 106.

An Act to incorporate The Perth and Huron Radial Railway Company.

Assented to 25th May, 1905.

Preamble

WHEREAS Thomas Ballantyne, Cheese Exporter; John Brown, Broker; Joseph Orr, Esquire; William Preston, Manufacturer; William James Mooney, Manufacturer; Duncan M. Ferguson, Merchant; and Edmund Tindall Dufton, Manufacturer, all of the City of Stratford, in the County of Perth, have by their petition prayed for an Act of incorporation under the name of The Perth and Huron Radial Railway Company, for the purpose of constructing and operating a system of railways from some point in the City of Stratford, in the County of Perth, through the said City of Stratford and the Townships of Downie, Fullarton, Hibbert and Blanshard, all in the said County of Perth, and the Townships of Usborne and Stephen, in the County of Huron, passing through the Village of Exeter, in the said County of Huron, to the unincorporated Village of Grand Bend, on Lake Huron, and also from some point in the said City of Stratford through the Townships of North Easthope and South Easthope, in the said County of Perth, and the Township of Wilmot, in the County of Waterloo, passing through the unincorporated Village of Shakespeare, in the said County of Perth, and the Village of New Hamburg, in the said County of Waterloo, and from some point on the said last mentioned line of railway in the Township of South Easthope to the unincorporated Village of Tavistock, in the said County of Perth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. That Thomas Ballantyne, John Brown, Joseph Orr, William Preston, William James Mooney, Duncan M. Ferguson,

Ferguson, and Edmund Tindall Dufton, and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Perth and Huron Radial Railway Company," hereinafter called "the Company."

Location of line.

2. The said company and their servants and agents are authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate, by electricity, a railway with double or single iron or steel tracks, with all necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same from some point in the City of Stratford, in the County of Perth, through the said City of Stratford, and the Townships of Downie, Fullarton, Hibbert and Blanshard, all in the said County of Perth, and the Townships of Usborne and Stephen, in the County of Huron, passing through the Village of Exeter, in the said County of Huron, to the unincorporated Village of Grand Bend, on Lake Huron, and also from some point in the said City of Stratford through the Townships of North Easthope and South Easthope, in the said County of Perth, and the Township of Wilmot, in the County of Waterloo, passing through the unincorporated Village of Shakespeare, in the said County of Perth, and the Village of New Hamburg, in the said County of Waterloo, and from some point in the said last mentioned line of railway in the Township of South Easthope to the unincorporated Village of Tavistock in the said County of Perth.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The persons named in section one of this Act, with power to add to their number, shall be and are constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid

of

of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who in their judgment would hinder delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the City of Stratford, or at such other place as may best suit the interests of the company.

Rev. Stat., c. 207.

Conveyances of land to company.

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be a sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and a sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

When subscription for stock to be binding.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall per centum of the amount subscribed has been actually per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee

guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

9. The capital stock of the company hereby incorporated shall be $500,000, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 5,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining the said railway, and to the other purposes of this Act.

Rev. Stat., c. 207.

First general meeting.

10. When and as soon as shares to the amount of $100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said City of Stratford, of the time, place and purpose of said meeting.

Election of directors.

11. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of the stock subscribed by them, shall elect not less than five nor more than twelve persons to be directors of the company in the manner, and who shall be qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 207.

Qualification of directors.

12. No person shall be qualified to be elected a director by the shareholders unless he is the owner and holder of at least ten shares of stock in the company upon which all calls have been paid.

13.

Construction of line by sections

13. The company is authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act*, and the amendments thereof with respect to "plans and surveys."

Rev. Stat., c. 207

Rights of aliens

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

Calls on stock.

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call as provided in section 17 of this Act.

Contracts for construction of line etc.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in part or in whole,

whole, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

Head Office, and general annual meeting.

17. The head office of the company shall be at the said City of Stratford, in the County of Perth, and the general annual meeting of the shareholders of the company shall be held at the head office of the company or elsewhere as the directors may deem most convenient on such day and at such hour as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week for the same period in some newspaper published in the City of Stratford, during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Bonding powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all

$20,000 for each mile of the said railway and branches, and the provisions of subsections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said subsections.

Bonds now payable.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the authority and sanction of the directors as herein provided and enacted, provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank.

Mortgaging or pledging.

23. The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for leasing or hiring rolling stock.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons for leasing, hiring or use of any motors, cars, carriages, rolling stock and other moveable property, from such companies or persons for such time or times and on such terms as may be agreed upon, and also to enter into agreements with any electric

electric railway company or companies if so lawfully authorized, for the use by one or more of such contracting companies, of the motors, cars, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Telephone and telegraph lines.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway, and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies,* being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Aid from municipalities.

26. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the said railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Submitting bonus by-laws.

27. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect

petitioned

petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the members of the county council, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

3 Edw. VII., c. 19.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

3. Edw. VII., c. 19.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

28. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county, or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

29. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected

affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor Municipality" meaning of.

30. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit before by-law is submitted.

31. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law if assented to by ratepayers.

32. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

33. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

Levying rates on portions of municipality.

34. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 3 Edw. VII. c. 19.

35. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

36. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year.

Councils may extend the time for completion.

37. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

38. Any municipality or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-law granting exemption from taxation.

39. It shall be lawful for the corporation of any municipality throughout any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of land.

40. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debenture

41. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor-in-Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor-in-Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees, any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor-in-Council, and in case any trustee dies or resigns his trust, or goes to live outside of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor-in-Council.

Trusts of proceeds of debentures.

42. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them, secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Perth and Huron Radial Railway Municipal Trust Account and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the

the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

43. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to purchase whole

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat., c. 207.

Acquiring materials for construction.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall

Rev. Stat. c. 207.

shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits.

46.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 207.

Power to erect snow fences.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty or into or upon any lands of any corporation, or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

General powers of company.

48. The company shall have power and authority:

To receive grants of land, etc.

(*a*) To receive, hold and take all voluntary grants and donations of land or other property made to it to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only;

Purchase land.

(*b*) To purchase and hold any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same;

(*c*)

Warehouses, docks, etc.

(*c*) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Buildings, stations, etc.

(*d*) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs, and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to production and use of electricity.

(*e*) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating of the rolling stock and other property of the company;

Disposing of surplus electric power.

(*f*) To sell or lease in any municipality where such sale or lease is authorized by by-law of the council of the municipality, and subject to the terms and conditions imposed by such by-law any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power* and to acquire and hold any property necessary for the purposes mentioned in this subsection;

Rev. Stat., c. 200.

Acquiring rights for conveying electricity.

(*g*) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall

shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same, or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters;

All other matters and things necessary for railway.

(*h*) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act;

Power to acquire lands for parks etc.

(*i*) To purchase, lease or acquire by voluntary donation and to hold for any estate in the same and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds not exceeding 100 acres in any one municipality and to improve and lay out such lands as parks or places of public resort and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause; provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; and no such park or pleasure grounds shall be open to the public on the Lord's Day to be used for games, pic-nics, concerts, excursions or other public entertainments.

Agreements for supply of power.

49. The company shall have power to enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose

pose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on or operate the railway.

Crossing other lines on the level

50. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company or with the authority of the Board of Railway Commissioners for Canada or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

Collecting back charges on goods

51. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Special rates for perishable goods.

52. The company may make uniform special rates for the carriage of fruit, milk and other perishable products and commodities.

Agreements with other companies.

53.—(1) The said company shall have the power to agree for connections and making running arrangements with any other electric railway company, or street railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any carriages, motors or cars or any of them or of any part thereof or touching any service to be rendered by one company

company to the other and the compensation therefor if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any municipal by-law or by-laws which may from time to time be in force so far as the same may affect the company hereby incorporated or the railway to be built under the authority of this Act.

Agreements for amalgamation, etc.

(2) The company may contract and agree with any other electric railway company the lines of which are approached or crossed by the line or lines of the company if lawfully authorized to enter into such arrangements for amalgamation with any or either of them provided that no such contract shall be of any force or validity unless first authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose; provided also that no such agreement for amalgamation, connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof shall be entered into by the said company until the consent of the council or councils of the municipal corporation or corporations affected thereby has first been obtained or if such consent has been refused until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Acquiring stock or bonds of other companies

54. The company may acquire and hold and dispose of stock or bonds and other securities of the companies referred to in section 53 of this Act, or any of them, and may guarantee payment on such bonds or other securities.

Carrying line along streets of city.

55.—(1) Notwithstanding anything in this Act contained the railway hereby authorized may be constructed and operated with the consent of the council of any city, town or village along any highway within the limits of such

such city, town or village upon and subject to such terms and conditions as may be mutually agreed upon between the company and any street railway or electric railway already operating in such city, town or village, provided always that if the council of such city, town or village shall by by-law or resolution request a street railway company or electric railway company to allow its tracks or any of the streets of such city, town or village to be used for the entrance of the railways to be constructed under this Act into such city, town or village, such company shall permit its tracks or any such street to be used to some central point in the said city, town or village, to be named by the city, town or village council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city, town or village corporation, and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario in case the city, town or village corporation and the said two companies are unable to agree upon the same; provided, however, that the company shall not build or operate the railway into or through any city except upon such terms and subject to such conditions as may be agreed between the council of such city and the company or should they be unable to agree then upon such terms and subject to such conditions as may be fixed by the Railway Committee of the Executive Council of Ontario.

Not to operate on highways in townships.

(2) Notwithstanding anything in *The Railway Act of Ontario* contained the company shall not operate on highways except in cities, towns or villages

Application of Rev. Stat., c. 209, as to cities.

56. Where the railway is operated along any highway within the limits of any city the provisions of *The Electric Railway Act* in respect to the operation of railways shall apply to the said railway within the said city.

Freight traffic.

57. The company may take, transport and convey goods upon its railway to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway in any city, town or village over the railway to be constructed as aforesaid, unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service

vice be operated on any such public highway until authorized by, or except as directed by the said Railway Committee.

Transfer of shares.

58. Shares in the capital stock of the company may be transferred by any form of instrument in writing but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

By-law for issue of preference stock what to contain.

59.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company the company may through the Provincial Secretary petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Incorporation of provisions of Rev. Stat. c. 207

60. Section 136 of *The Electric Railway Act* shall apply to the operation of the railway of the company, but, save as otherwise expressly provided by this Act the provisions of the said *Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

61. The railway shall be commenced within two years and finally completed within five years after the passing of this Act.

Limitation of transmission of electrical energy.

62. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchises, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Agreements with other companies to be subject to regulations.

63. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for amalgamation, connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Crown may use right of way for the transmission of power to municipalities.

64.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company hereby incorporated and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant

of

of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

SCHEDULE "A."

(*Section* 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of $ paid to me, (or us) by The Perth and Huron Radial Railway Company the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of $, paid to me, (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Perth and Huron Radial Railway Company, their successors and assigns forever (here insert any other clauses, conditions and covenants required and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 190 .

Signed, sealed and delivered in the presence of [L. S.]

SCHEDULE "B."

(*Section* 4.)

CHIEF ENGINEER'S CERTIFICATE.

The Perth and Huron Radial Railway Company's Office, No.
A. D. 190 .

Engineer's Department.

Certificates to be attached to cheques drawn on The Perth and Huron Radial Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I, chief engineer of The Perth and Huron Radial Railway Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the said By-law No. of the Township of (or under the agreement dated the day of 19 , between the corporation of and the company) to entitle the said company to receive from the said trustees the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

CHAPTER 107.

An Act respecting The St. Catharines, Pelham and Welland Electric Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS the St. Catharines, Pelham and Welland Electric Railway Company hereinafter called "The Company" is under the Act incorporating the said company, passed in the 4th year of the reign of His Majesty, chaptered 86, authorized and empowered to construct and operate a line of railway using electricity as a motive power from some point in the City of St. Catharines, in the County of Lincoln, passing through the Township of Grantham, in the said County of Lincoln, and the Townships of Pelham and Thorold, in the County of Welland, to some point in the Town of Welland, in the County of Welland, with a branch from the main line at or near the unincorporated Village of Fonthill, passing through the unincorporated Village of Fenwick, both in the said Township of Pelham, to Fenwick Station on the line of the Toronto, Hamilton and Buffalo Railway in the said Township of Pelham; and whereas it is desired to amend the Act incorporating the company by authorizing an extension of the company's lines from the present terminus at the station of the Toronto, Hamilton and Buffalo Railway Company, in the Township of Pelham, through the Townships of Pelham and Wainfleet, in the County of Welland, and the Township of Gainsborough, in the County of Lincoln, and the Township of Moulton, in the County of Haldimand, to a point in the Town of Dunnville, in the County of Haldimand, and to increase the capital stock of the company to the amount of Four hundred thousand dollars divided into four thousand shares of one hundred dollars each; and whereas the company has by its petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Construction of additional lines authorized.

1. The company is authorized and empowered to survey, lay out, construct, complete, alter and keep in repair a double or single track railway, with iron or steel rails, to be operated by electricity from the company's present terminus at the station of The Toronto, Hamilton and Buffalo Railway Company, in the Township of Pelham, through the Townships of Pelham and Wainfleet, in the County of Welland, and the Township of Gainsborough, in the County of Lincoln, and the Township of Moulton, in the County of Haldimand, to a point in the Town of Dunnville, in the County of Haldimand; and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made, or hereafter to be made, between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

Rev. Stat. c. 209, 3 Edw VII, c. 18.

Powers as to extension.

2. Subject to the provisions of this Act the company shall have and enjoy and be entitled to all the rights, powers, privileges and advantages, and shall be subject to the duties, liabilities and obligations of every nature and kind, conferred and imposed upon the company by Chapter 86 of the Acts passed in the fourth year of the reign of His Majesty King Edward VII., or otherwise with reference to all matters necessary for the construction, equipment, maintenance and operation of the said extension in as full and ample a manner as if the said extension had been a part of the undertaking of the company authorized by the said Act or otherwise except as provided for in sections 3 and 4 hereof.

Time for commencing and completing extension.

3. The said extension shall be commenced within two years and be completed within four years from the date hereof.

Capital stock.

4. Section 8 of the said Act is amended by striking out all the words and figures after the word "be" in the first line

line thereof and inserting in lieu thereof the following words and figures "$400,000 to be divided into 4,000 shares of $100 each."

Transportation of goods, running of freight and express cars, etc.

5. The company may take, transport, and convey goods upon its railway, but no freight or express cars shall be carried along any public highway over the railway to be constructed by the company, unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated on any such public highway until authorized by or except as directed by the said Railway Committee

Crown may use right of way for the transmission of power to municipalities.

6.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necesasry poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municpality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act, and of the said Act incorporating the said company, shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municpality

Construction of line between Fenwick Station and Dunnville.

7. (1) In case the Niagara, Dunnville and Erie Electric Railway Company shall within 18 months from the passing of this Act construct at least four miles of that portion of its line of railway

railway lying between Fenwick Station and Dunnville, the company shall not construct that portion of its line of railway authorized to be constructed by this Act lying between the aforesaid points, and during the said period of 18 months the company shall not commence any construction work between the said points except with the consent of the Niagara, Dunnville and Erie Electric Railway Company.

(2) In case there should be any dispute between the two companies mentioned in this section as to anything contained therein, the matters in dispute shall be referred to the Railway Committee of the Executive Council of Ontario, who shall have power to decide the same.

Act to be read with 4 Edw. VII., c. 86.

8. This Act shall be read with and as part of the Act to incorporate the company passed in the fourth year of His Majesty's reign and Chaptered 86.

CHAPTER 108.

An Act to incorporate The Toronto, Ottawa and French River Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS Eric Norman Armour of the City of Toronto in the County of York and Province of Ontario Solicitor; George Wathen Beardmore of the same place, Merchant; George Allen Case, of the same place, Broker; Henry Victor Holton Cawthra of the same place, Insurance Agent; John Irvine Davidson of the same place, Merchant; and Frank Meade Field of the Town of Cobourg in the County of Northumberland and Province of Ontario, Solicitor, have by their petition prayed for an Act of incorporation under the name of "The Toronto, Ottawa and French River Railway Company," for the purpose of constructing, maintaining and operating a system of railways to be operated by steam from some point in or near the City of Toronto in the County of York and Province of Ontario to a point in or near the City of Ottawa in the County of Carleton in said Province, passing through the townships of York, Scarboro and Markham in the County of York; the townships of Pickering, Whitby and Whitby East, in the County of Ontario; the townships of Darlington, Clarke and Hope in the County of Durham; the townships of Hamilton, Haldimand, Alnwick, Percy and Seymour in the County of Northumberland; the townships of Rawdon, Huntingdon and Hungerford in the County of Hastings; the township of Sheffield in the County of Lennox and Addington; the townships of Hinchinbrooke, Bedford and Oso in the County of Frontenac; the townships of South Sherbrooke Bathurst, Drummond, Ramsay and Beckwith, the Town of Perth, and the Town of Carleton Place in the County of Lanark; the townships of Huntley, Goulbourn and Nepean in the County of Carleton, and from some point on the east shore of Georgian Bay at or near the French River to a point in or near the Town of Hawkesbury in the County of Prescott and the Province of Ontario, passing through the Indian Reserve, the townships of Mowat, Blair, McConkey, Hardy,

Hardy, Mills, Pringle, Lount, Machar, Laurier and Joly in the District of Parry Sound; the townships of Paxton, Biggar, Devine, Bishop, Freswick, Bower, Dickson, Niven, Clancy, Guthrie in the District of Nipissing; the townships of Burns, Richards, Hagarty, North Algona, South Algona, Wilberforce, Grattan, Bromley, Admaston, Horton, McNab in the County of Renfrew; the townships of Fitzroy, Huntley, March, Nepean and Gloucester and the City of Ottawa in the County of Carleton; the townships of Cumberland and Clarence in the County of Russell; and the townships of North Plantagenet, Alfred, Longueuil and West Hawkesbury in the County of Prescott; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The persons named in the preamble to this Act and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Toronto, Ottawa, and French River Railway Company," hereinafter called "the Company."

Location of Line.

2. The said company and their servants and agents are authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by steam a railway with double or single iron or steel tracks with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in or near the City of Toronto in the County of York and Province of Ontario and continuing in an easterly direction by the most feasible route to a point in or near the City of Ottawa in the County of Carleton and Province of Ontario passing through the townships of York, Scarboro and Markham in the County of York; the townships of Pickering, Whitby and Whitby East in the County of Ontario; the Townships of Darlington, Clarke and Hope in the County of Durham; the Townships of Hamilton, Haldimand, Alnwick, Percy and Seymour in the County of Northumberland; the townships of Rawdon, Huntingdon and Hungerford in the County of Hastings; the township of Sheffield in the County of Lennox and Addington; the townships of Hinchinbrooke, Bedford and Oso in the County of Frontenac; the townships of South Sherbrooke, Bathurst, Drummond, Ramsay and Beckwith, the Town of Perth and the Town of Carleton Place in the County of Lanark; the

townships

townships of Huntley, Goulbourn and Nepean in the County of Carleton, and from some point on the east shore of the Georgian Bay at or near the French River and continuing in a southerly direction by the most feasible route to a point in or near the Town of Hawkesbury in the County of Prescott and Province of Ontario, passing through the Indian Reserve, the townships of Mowat, Blair, McConkey, Hardy, Mills, Pringle, Lount, Machar, Laurier and Joly in the District of Parry Sound; the townships of Paxton, Biggar, Devine, Bishop, Freswick, Bower, Dickson, Niven, Clancy, Guthrie, in the District of Nipissing; the townships of Burns, Richards, Hagarty, North Algona, South Algona, Wilberforce, Grattan, Bromley, Admaston, Horton, McNab, in the County of Renfrew; the townships of Fitzroy, Huntley, March, Nepean and Gloucester and the City of Ottawa in the County of Carleton; the townships of Cumberland and Clarence in the County of Russell, and the townships of North Plantagenet, Alfred, Longueuil and West Hawkesbury in the County of Prescott.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional Directors.

4. The persons named in the preamble of this Act, with power to add to their number, shall be and are constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time, a portion or more than the

Rev. Stat. c.207

the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto or at such other place as may best suit the interests of the company.

Conveyances of land to company.

6. Conveyances of land to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions for stock when binding.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

8. The company may receive from any government or from any persons or bodies, corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c. 207.

9. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 10,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of

of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining the said railway and to the other purposes of this Act.

First general meeting.

10. When and as soon as shares to the amount of $100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette* and in at least one newspaper published in the City of Toronto of the time, place and purpose of said meeting.

Election of directors.

11. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario;* and the said board may employ and pay one of their number as managing director.

Rev. Stat., c. 207.

Qualification of directors.

12. No person shall be qualified to be elected a director by the shareholders unless he is the owner and holder of at least ten shares of stock in the company upon which all calls have been paid.

Construction of line by sections.

13. The company is authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the

Rev. Stat. c. 207.

the clauses of *The Railway Act of Ontario*, and by the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rights of aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

Calls on stock.

15. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

Contracts for construction of line, etc.

Payments in stock or bonds.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way and may pay therefor, either in part or in whole, either in cash or bonds, or in paid-up stock, and may pay, or agree to pay, in paid-up stock, or in bonds of the said company, such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed

by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity until sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

Head office; general annual meeting.

17. The head office of the company shall be at the said City of Toronto, in the County of York, and the general annual meeting of the shareholders of the company shall be held at the head office of the company or elsewhere as the directors may deem most convenient on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Proxies

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Bonding powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all $50,000, for each mile of the said railway and branches, and the provisions of subsections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario*, shall apply to all such bonds and the issue thereof, and such bonds shall

Rev. Stat. c. 207.

be

be issued subject and according to and in conformity with the provisions of the said subsections.

Bonds how payable.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown: and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Mortgaging or pledging.

23. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Agreements with other companies for leasing or hiring rolling stock.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property

property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph and telephone lines.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches; and, for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company, provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Proviso.

Aid from Municipalities.

26. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Submitting bonus by-laws.

27. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the

minor

minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

3 Edw. VII., c. 19.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

3 Edw. VII., c. 19.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

28. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against aid from County.

29. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town

town is situate, and one being an engineer appointed by the Minister of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Minor Municipality, meaning of.

30. The term "Minor Municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit before by-law is submitted.

31. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law if assented to by ratepayers.

32. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

33. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

Levying rates on portions of municipality.

34. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 3 Edw. VII. c. 19.

35. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

36. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend the time for completion.

37. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

38. Any municipality, or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the rateable property therein.

By-law granting exemption from taxation.

39. It shall be lawful for the corporation of any municipality throughout any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of land.

40. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept

gifts

gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures.

41. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

42. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time and manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Toronto, Ottawa and French River Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate

certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

43. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to purchase whole lots.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 207.

Acquiring materials for construction.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat c. 207

Sidings to gravel pits.

46.-(1) When the said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance

distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the Company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Rev. Stat. c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 207.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any), as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Power to erect snow fences.

48. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges by the company, the company without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collecting back charges on goods.

49. (1) The said company shall have power to agree for connections and making running arrangements with the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company, the Canadian Northern Railway Company and the James Bay Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon Agreements with other companies.

on terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement or agreements with any such company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line.

(2) The company may enter into an agreement with any other railway company owning or empowered to construct and operate a railway between the terminal points mentioned in section 2 of this Act or any portion of such line, or with any other company empowered to build lines of railway intersecting or crossing the line of railway between the said terminal points; for leasing or purchasing any such line or portion thereof, or any of the rights and privileges conferred by the Act incorporating such company or any amendments thereof, and the company may purchase from any such other company its line or portion thereof, or any or all of the rights and privileges conferred upon such other company by its Act of incorporation or any amendments thereto; and the directors of each and all of the said companies may enter into such agreements with the company, and the company may exercise any of the said rights and privileges at any time within five years from the time of the passing of this Act, notwithstanding any limitation of time mentioned in any of the said Acts or *The Railway Act of Ontario;* and the company may make payment of the price therefor wholly or partly in cash or wholly or partly in fully paid up or partly paid up shares of the capital stock of the company, or wholly or partly in the bonds or debentures of the company or otherwise; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it; but nothing in this or the preceding sub-section shall be construed as purporting or intending to confer rights or

Rev. Stat. c. 207.

powers

powers upon any company which is not within the legislative authority of the Province of Ontario.

(3) A duplicate of each such agreement referred to in subsection (1) of this section shall within thirty days after its execution be filed in the office of the Minister of Public Works, and notice thereof shall be given by the company in the *Ontario Gazette*, and thereupon such agreement shall be deemed to be complete and operative according to the terms thereof.

Acquiring stock or bonds in other companies.

50. The company may acquire, hold and dispose of stock or bonds, and other securities of the companies referred to in section 49 of this Act or any of them, and may pay for the same wholly or partly in cash or wholly or partly in shares, debentures or bonds of the company, and may guarantee payment of the bonds or other securities of any of the said companies.

Transfer of shares.

51. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Incorporation of provisions of Rev. Stat. c. 207.

52. The several clauses of *The Railway Act of Ontario* and of every act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

53. The railway shall be commenced within two years and finally completed within five years after the passing of this Act.

Powers to make connections to be subject to subsequent legislation.

54. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, leasing or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special act or acts which may at the time such agreements are entered into be in force and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Crown may use right of way for transmission of power to municipalities.

55.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company hereby incorporated and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

SCHEDULE A.

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of $ paid to me (*or* us) by The Toronto, Ottawa and French River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of $, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold,

hold, with the appurtenances, unto the said The Toronto, Ottawa and French River Railway Company, their successors and assigns forever (*here insert any other clauses, conditions and covenants required*) and I (*or* we) the wife (*or wives*) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or hands and seals*) this day of 19 .

Signed, sealed and delivered,
in the presence of [L.S.]

SCHEDULE B.

(*Section 42.*)

Chief Engineer's Certificate

The Toronto, Ottawa and French River Railway Company's Office,
No.

Engineer's Department.

Certificate to be attached to cheques drawn on The Toronto, Ottawa, and French River Railway Company Municipal Trust Account given under section 42, chapter , of the Acts of the Legislature of Ontario, passed in the Fifth year of His Majesty's reign.

I, chief engineer of The Toronto, Ottawa and French River Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under by-law No. of the township of (or under the agreement dated the day of 19 , between the corporation of and the said company) to entitle the said company to receive from the said trustees the sum of
(here set out the terms and conditions, if any which have been fulfilled).

CHAPTER 109.

An Act to incorporate The Western Central Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS Andrew Thomas Drummond, of the City of Toronto, Financial Agent; Herbert M. Mowat, of the same place, King's Counsel; John I. Davidson, of the same place, Merchant; Arthur Hickling, of Botolph House in the City of London, in England, Gentleman; Alfred Ernest Welch, of the City of London, in the Province of Ontario, Railway Manager, and William Dale Harris, of the City of Ottawa, Civil Engineer, have by their petition prayed for an Act of incorporation under the name of The Western Central Railway Company, for the purpose of constructing and operating an electric railway from the City of London in and through the Counties of Middlesex, Oxford, Perth, Waterloo and Wellington to the City of Guelph with branches therefrom within such counties; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. The said before mentioned persons and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Western Central Railway Company" hereinafter called "The Company."

Location of line.

2. The company and its servants and agents are hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity a double or single track railway with all necessary side tracks and turn outs for

for the passage of cars, carriages and other vehicles adapted to the same from, through, in and to the following municipalities and in the following sections, namely:—(*a*) The City of London and the Townships of London, East and West Nissouri and West Zorra to the Village of Embro; (*b*) thence through the Townships of West and East Zorra, South Easthope Blandford, Blenheim, and Wilmot to or near the Village of New Dundee; (*c*) thence through the Townships of Wilmot, Waterloo Puslinch and Guelph to the City of Guelph passing near or through the Town of Berlin, and the Towns of Preston and Hespeler; (*d*) with a branch through the Townships of Wilmot, Blenheim and Blandford to the City of Woodstock, and a branch through the Townships of Blenheim, Wilmot and South Easthope to the City of Stratford, with power to build and operate any part of the said railway in sections as hereinafter set out; the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Consolidated Municipal Act, 1903* and any Act or Acts amending the same. Rev. Stat. c. 209. 3 Edw. VII., c. 19.

3. The said Andrew T. Drummond, Herbert M. Mowat, John I. Davidson, Arthur Hickling, Alfred E. Welch and William Dale Harris shall be and are hereby constituted the provisional directors of the company and may meet and may call meetings of the shareholders which may be held, at such place or places as the interests of the company may require, but the head office of the company shall be at the City of Toronto or at such other place as may be from time to time determined by by-law. Provisional directors.

4. The number of directors shall not be less than five nor more than nine and a director must be the holder of at least ten shares in his own right on which all calls are paid. Directors and their qualifications.

5. The capital stock of the company shall be five hundred thousand dollars to be divided into five thousand shares Capital stock.

shares of one hundred dollars each and shall be appropriated to the construction of the railway in the aforesaid sections in the following amounts;—London to Embro $100,000; Embro to New Dundee $100,000; New Dundee to Guelph $200,000, and the branches to Stratford and Woodstock $100,000; and so soon as 25 per centum of the authorized capital appropriated to any such section shall have been subscribed and 10 per centum paid thereon in cash, to the credit of the company into some chartered bank of Canada having an office in the Province of Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the shareholders of the company for the purpose of organization; provided that the directors at any time after the whole capital stock has been taken up may pass a by-law for increasing the capital stock to any amount which they consider requisite for the objects of the company and on such by-law being approved by shareholders representing two-thirds in value of the subscribed stock of the company at a special general meeting called for the purpose, the Lieutenant-Governor in Council may, on petition of the directors through the Provincial Secretary, assent to such by-law, and thereupon and after notice thereof by the Provincial Secretary in *The Ontario Gazette*, the capital stock of the company shall be and remain increased to the amount set forth in such by-law as if every part thereof had formed part of the original stock of the company.

Proviso.

Preference stock.

6.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present, in person or by proxy, at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company; provided, however, that

that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof; and from the date of such approval the by-law shall be valid and may be acted upon.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act; provided, however, that in respect of dividends and otherwise, they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

General Meetings.

7. The date, time and place of the annual and other meetings of the shareholders shall be fixed by the by-laws of the company.

Construction of line by sections.

8. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, Rev. Stat. c. 209. and to deposit the same as required by the clauses of the said *Electric Railway Act* and amendments thereto, with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of

the

the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections, continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Railway Committee of the Executive Council of Ontario may sanction and approve of the construction by sections at different points, and not continuously along the said line of railway.

Power to operate road in sections.

9. Whenever any section of the said railway, of not less than five miles, has been completed, the company may give to the Railway Committee of the Executive Council of Ontario a notice as to it, similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation.

Rev. Stat., c. 209.

Power of expropriation, Rev. Stat., c. 209.

10. Notwithstanding anything contained in *The Electric Railway Act* to the contrary, the company may exercise all powers of expropriation provided by the said Act, without the consent of the council of the municipality in which the lands sought to be expropriated are situate, and without the certificate of the county judge, upon the Railway Committee of the Executive Council of Ontario so ordering, and the said Railway Committee may, on the application of the company order that the company shall have such powers of expropriation.

Operating in cities.

11. Notwithstanding anything in this Act contained the railway shall not be constructed along any highway within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city and the council of the corporation of such city. Provided always that if there is an existing agreement between such city and the street railway or electric railway already operating in such city then

Proviso.

then the railway hereby authorized shall not be constructed along any such highway except, upon and subject to the terms of such existing agreement; provided, also, that where the agreement between any city street railway company and the city does not contain any provision for the admission of radial roads then if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario in case the city corporation and the said two companies are unable to agree upon the same.

Crossing other lines on the level.

12. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company, or with the authority of the Board of Railway Commissioners for Canada, or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

Directors empowered to pay in stock.

13. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract

contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid-up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Purchase of water powers and stock in water or power company.

14. The company may acquire by lease or purchase and may hold, utilize and develop water powers and the necessary land therewith, and construct the necessary plant for the purpose of generating electricity for lighting, heating and power in operating the said railway, and may subscribe for and purchase shares in and may hold the securities of any water or other power company generating electricity for lighting, heating and power, and shall possess all the rights and privileges of individual holders of such shares and securities and its duly authorized representative may be elected a director thereof.

Agreements with other companies.

15. The company may, at any points on or near to its line of railway, connect its tracks with the tracks of any other railway company or companies, the lines of which are approached or crossed by the line or lines of the company; and it shall be lawful for the company to enter into any agreement with any or either of such railway companies, if lawfully authorized to enter into such an agreement, to amalgamate with, purchase, lease, or otherwise acquire such railways, or any of them, or any part or parts thereof; or to sell and dispose of or lease to any of such companies the whole or any part of its railway; or to make arrangements with such companies, or any of them, for the interchange of passenger or freight traffic, or for the use by either company of the property, buildings, plant, material, rolling stock, machinery, appliances or facilities of the other, or for the supply of motive power, heat or light by either company to the other, or any other joint arrangement respecting the running arrangements of such companies, or any of them, and the conduct of the joint traffic of the companies which may be parties to any such agreement;

Proviso.

provided that nothing done under this section shall be valid until the same shall be first authorized by two-thirds in value of the shareholders of the company at a special general meeting to be held for that purpose, nor until the consent of the council or councils of the municipal corporation

or

or corporations affected thereby has first been obtained, or, if such consent has been refused, until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Issue of bonds and debentures to extend lines acquired.

16. In case the company under the powers conferred upon it by section 15 of this Act shall acquire the right to construct any other line or lines of railway than as set forth in section 2 of this Act, and no bonds, debentures or other securities have been issued with respect to such line or lines of railway the powers conferred upon the company by this Act and *The Electric Railway Act* with respect to the issue of bonds, debentures and other securities shall extend to the line or lines of railway the right to construct which may be so acquired in the same manner and to the same extent as if such last mentioned line or lines had been authorized by section 2 of this Act, and every issue of bonds, debentures or other securities under this Act shall be a charge upon the whole of the property, works and undertakings of the company authorized or so acquired under this Act; but every such issue of bonds, debentures and other securities shall be subject to the provisions of sections 20 to 25, inclusive, of *The Electric Railway Act* so far as the same are not inconsistent with the provisions of this Act.

Rev. Stat. c. 209.

Power to collect back charges on goods.

17. The company shall have power to collect and receive all charges subject to which goods or commodities may come into its possession, and upon payment of such back charges and without any formal transfer, may have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment to all the rights and remedies of such persons for such charges.

Rates for perishable goods.

18. The company may make uniform special rates for the carriage of fruit, milk and other perishable articles, and may agree on and collect special charges or rates for insuring goods carried on its railway.

Power to borrow by the issue of bonds, etc.

19. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures

and other securities as therein provided, to an amount not exceeding $25,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time as said sections of five miles or over are opened, to the amount of $25,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended, and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of $25,000 per mile of the railway.

Rev. Stat. c. 209.

Carriage of goods.

20. The company may take, transport, carry, and convey goods upon its railway to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway over the railway to be constructed as aforesaid unless and until the size and number of cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated on any such public highway until authorized by or except as directed by the said Railway Committee.

Limitation of transmission of electrical energy.

21. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchises, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Agreements with other companies to be subject to regulations.

22. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for amalgamation, connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Clauses of Rev. Stat. c. 209, how far to apply.

23. The several clauses of *The Electric Railway Act*, excepting sections 50, 51, 119, and sub-sections 9, 10, 11 and 12 of section 43, shall be incorporated with and be deemed to

to be part of this Act, and shall apply to the company and to the railway to be constructed by it, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include such clauses of *The Electric Railway Act* and of every Act in amendment thereof, so incorporated with this Act.

Time for commencement.

24. The railway shall be commenced within two years and completed within five years from the passing of this Act.

Crown may use right of way for the transmission of power to municipalities.

25.—(1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company hereby incorporated and may dig up the same, erect thereon all necessary poles or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER

CHAPTER 110.

An Act respecting The Windsor, Essex and Lake Shore Rapid Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS The Windsor, Essex and Lake Shore Rapid Railway Company, hereinafter called "the Company," incorporated by an Act of the Legislature of Ontario passed in the first year of His Majesty's reign, Chaptered 92, has by its petition prayed that an Act may be passed granting permission to extend its line of railway from a point at or near the Town of Essex, passing through the Townships of Colchester North, Gosfield North, Maidstone, Rochester, Tilbury West and Tilbury North to a point at or near the Village of Tilbury, in the said Township of Tilbury North, all in the County of Essex, and have further prayed that the time for the commencement of the construction of the lines of railway mentioned in its Act of incorporation hereinbefore mentioned and of any amending Act, including this Act be extended for a further period of two years and the whole undertaking be completed within five years from the date hereof; and whereas it is expedient to grant the prayer of the said peition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Extension of railway authorized.

1. The company is authorized and empowered to survey and lay out, construct, make, build, complete, alter and keep in repair a railway with necessary turnouts and switches, to be operated by electricity with single or double iron or steel tracks from a point at or near the Town of Essex passing through the Townships of Colchester North, Gosfield North, Maidstone, Rochester, Tilbury West and Tilbury North, to a point at or near the Village of Tilbury

bury, in the said Township of Tilbury North, all in the County of Essex; and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements hereafter to be made between the company and the councils of any of the said corporations, and between the company and the road companies, if any, interested in such highways, and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act* and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

Rev. Stat. c. 209. 3 Edw. VII c. 19.

2. Subject to the provisions of this Act all the powers conferred by the original Act of incorporation and any amending Act or Acts shall apply to the said extension in as full and ample a manner as if the said extension had been part of the original undertaking of the company.

Provisions of Act of incorporation to apply to extension.

3. Notwithstanding anything in *The Electric Railway Act* contained when and so soon as twenty-five per centum of the authorized capital shall be subscribed, and ten per centum paid thereon in cash to the credit of the said company into some chartered bank in Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders of the said company for the purpose of organization.

First general meeting.

4. Notwithstanding any provision to the contrary in any other Act the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Board of Railway Commissioners of Canada or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

Crossing other lines on the level.

Freight cars on highways.

5. The company may take, transport and convey goods upon its railway, but no freight or express cars shall be carried along any public highway over the railway to be constructed by the company unless and until the size and number of the cars and motors to be used therein, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated on any such public highway until authorized by or except as directed by the said Railway Committee.

Limitation of transmission of electrical energy.

6. Notwithstanding anything contained in any Statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchises, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

Time for commencement and completion.

7. The time for the commencement of the construction of the lines of railway mentioned in its said Act of incorporation hereinbefore referred to and of any amending Act or Acts shall be extended for a further period of two years, and the whole undertaking be completed within five years from the date hereof.

Crown may use right of way for the transmission of power to municipalities.

8. (1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act and the various Acts relating to the company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the

the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

CHAPTER

CHAPTER 111.

An Act respecting the Windsor and Tecumseh Electric Railway Company.

Assented to 25th May, 1905.

Preamble.

WHEREAS The Windsor and Tecumseh Electric Railway Company, hereinafter called "the Company," incorporated by an Act of the Legislature of Ontario passed in the fourth year of His Majesty's reign, chaptered 96, has, by its petition, prayed that an Act be passed permitting it to extend its lines of railway in the Townships of Sandwich East, Maidstone, Rochester and Tilbury North, in the County of Essex and the Townships of Tilbury East, Raleigh, Dover East, Dover West, the Village of Tilbury and the City of Chatham, in the County of Kent from its present terminus in the said township of Sandwich East, and authorizing, confirming and making valid the by-laws of the said municipalities of Sandwich East, Walkerville and Windsor, respectively, set forth in Schedules "A," "B" and "C" to this Act, and the rights, privileges and exemptions therein mentioned, and the agreement between the company and Ontario Traction Company, Limited, set forth in Schedule "D" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Extension of railway authorized, etc.

1. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate, by electricity, compressed air or any other motive power approved by the Railway Committee of the Executive Council of Ontario, except steam, and from time to time alter, remove and change a double or single track, iron or steel railway of the gauge of four feet, eight and one-half inches, with all necessary branches, switches, side tracks

tracks and turnouts for the passage of cars, carriages, motors and other vehicles adapted to the same, from its present terminus in the Township of Sandwich East, thence westerly to a point in the southerly limit of the Town of Walkerville or the City of Windsor, thence northerly to connect with its lines or branches in the said Town of Walkerville and the City of Windsor; and also from the said terminus easterly through the said Townships of Sandwich East, Maidstone, Rochester and Tilbury North, in the County of Essex and the Townships of Tilbury East, Raleigh, Dover East, Dover West, the Village of Tilbury and the City of Chatham in the County of Kent. The said railway or any part thereof may be carried along and upon such public highways as may be authorized by by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies, if any, interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

Rev. Stat. c. 209
3 Edw. VII., c. 19.

Terms of Act incorporating to apply to extension.

2. Subject to the provisions of this Act all the powers conferred by the original Act of incorporation, and any amending Act or Acts, shall apply to the said extension or extensions in as full and ample a manner as if the said extension or extensions had been part of the original undertaking of the company.

Time for commencement and completion of extension.

3. The said extension or extensions shall be commenced within two years and be completed within five years from the passing of this Act.

Freight cars on highways.

4. Notwithstanding anything in the Agreements set forth in the Schedules hereto contained, the company may take, transport, and convey goods upon its railway to be constructed under the authority of its Act of incorporation and of this Act, but no freight or express cars shall be carried along any public highway over the railway to be constructed by the company unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight

service

service be operated on any such public highway until authorized by or except as directed by the said Railway Committee.

Crown may use right of way for the transmission of power to municipalities.

5. (1) The Minister of Public Works or any officer of the Public Works Department of Ontario, or any person having authority in writing in that behalf from the Minister of Public Works, and the officers, agents and servants of the said department or of any such person may at all times enter upon the right of way of the company, and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Minister of Public Works and the said company.

Act to be subject to general provisions as to Crown transmitting power to municipalities.

(2) The provisions of this Act and the Act incorporating the said Company shall be taken and deemed to be subject to any general Act passed at the present or any future session of the Legislature of Ontario respecting the use of the right of way of any railway company by the Crown as representing the Province of Ontario, or by the Minister of Public Works for the Province of Ontario, or by any person authorized by him in writing on that behalf for the purpose of transmitting electrical or other power from any point in the Province of Ontario to the works and plant established by any municipal corporation for the distribution of such power within the limits of the municipality.

By-law No. 1121 of City of Windsor confirmed

6. By-law Number 1,121 of the City of Windsor, set forth in Schedule "C" to this Act, to the full extent of the provisions thereof and to the extent that any of such provisions require the authority and sanction of the Legislative Assembly of Ontario to make them valid, is hereby authorized, validated and confirmed.

By-law No. 273 of town of Walkerville confirmed.

7. By-law Number 273 of the Town of Walkerville, set forth in Schedule "B" to this Act, to the full extent of the provisions thereof and to the extent that any of such provisions require the authority and sanction of the Legislative Assembly of Ontario to make them valid is hereby authorized, validated and confirmed.

8. By-law Number 384 of the Township of Sandwich East, set forth in Schedule "A" to this Act, to the full extent of the provisions thereof and to the extent that any of such provisions require the authority and sanction of the Legislative Assembly of Ontario to make them valid, is hereby authorized, validated and confirmed. By-law of township of Sandwich East confirmed.

9. The agreement between Ontario Traction Company, Limited, and the company, set forth in Schedule "D" to this Act, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the company shall possess all the rights and franchises and all benefits and advantages to be had or derived under or by virtue of the said agreement upon and subject to the terms and conditions therein set forth. Agreement between company and Ontario Traction Company confirmed

SCHEDULE "A."

BY-LAW No. 384.

Respecting Ontario Traction Company, Limited.

Whereas Ontario Traction Company, Limited, a company incorporated under the Ontario Companies Act by letters patent bearing date the 17th day of November, 1903, (hereinafter called "the company") has applied to the municipal council (hereinafter called "the council") of the Corporation of the Township of Sandwich East (hereinafter called "the corporation") for authority to construct, maintain and operate a street railway upon and along the highways in the said Township of Sandwich East hereinafter mentioned, and to exercise the powers of a street railway company in respect thereto.

And whereas the council considers that such construction, maintenance and operation of a street railway would be of general advantage to the township and deems it expedient to grant such application.

Now, therefore, the Municipal Corporation of the Township of Sandwich East enacts as follows:—

1. The Ontario Traction Company, Limited, its successors and assigns, shall, subject to the restrictions, obligations and conditions contained herein, have authority and the right and privilege so far as the council have power to grant the same, to construct, maintain complete and operate, and from time to time move and change as required, a street railway consisting of a single track with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along the following highways in the Township of Sandwich East, that is to say:—From the easterly limit of the Town of Walkerville along the centre of the front or River Road to the top of the hill on the east side of what is known as Jenking's Creek thence along the north side of the said road clear of the travelled ways and turnouts as directed by the engineer to Strabane Avenue; thence southerly along the centre of Strabane Avenue to Ottawa street; thence along the centre of Ottawa street to the easterly end thereof; thence by private way easterly over all cross roads between Ottawa street and the Lesperance road at a distance from six hundred to eight hundred feet south of the said front road; thence southerly along the westerly side of the Lesperance road on the west side of the ditch to the north side of the Tecumseh road if a crossing over the Grand Trunk lands can be obtained, and if not then to the north side of the said Grand Trunk lands.

And

And also to erect, construct and maintain upon and along the said highways all poles, cables, wires and overhead constructions necessary to operate the said railway by the trolley system for the term of thirty years from the date of this by-law taking effect.

1*a*. If in the course of the operation of the proposed railway the same should prove to be profitable at any time after the next three years, then the said company, its successors or assigns, shall be bound to and this franchise is granted on condition that the said company do extend its said railway from Tecumseh along the Tecumseh road into the Town of Walkerville so as to form a complete belt line.

1*b*. Provided the said company in the construction of the said railway must macadamize the said front road to a sufficient width on either side to form a good drive and passageway for vehicles from the brow of the hill on the west side of the said Jenking's Creek to the brow of the hill and bend of the said railway on the east side of Jenking's Creek, so as to make a hard level roadway, and keep the same in proper repair.

1*c*. There shall be built by the company commodious waiting rooms at the Pillette road, Lesperance road, and at the terminal at Tecumseh, and there shall be short and convenient stopping places between such points, and at all other points where a passenger or passengers may be in waiting to take the cars of the company or desire to alight therefrom, but the company shall not be required to stop at shorter spaces than four hundred feet.

1*d*. Wherever by reason of the building of the said road any farm buildings shall be too close to the said railway then the same shall be removed at the expense of the said company or adequate damages paid therefor; the distance referred to to be not less than two hundred feet.

2. The rights, privileges and authority hereby granted are so granted subject to such rights, franchises and privileges and agreements now subsisting and in force with respect to any other corporation or company, and subject also to the right of the corporation to take up and replace the said highways or any of them or any part thereof for the purpose of altering the grades, constructing or repairing pavements, sewers, drains, or conduits, or for laying down or repairing water or gas pipes, and for all other purposes within the jurisdiction of the council, without being liable to the company for any damages occasioned thereby.

3. That in case for any of the purposes in the last paragraph mentioned it becomes necessary to temporarily take up or remove any portion or portions of the roadbed the same shall upon notice be taken up and removed at the expense of the company, and the corporation shall not be liable to the company for any damages occasioned thereby.

4. The said railway shall be constructed and maintained in such a manner as not to interfere with the free passage or travel of passengers and vehicles over and along the remaining portions of the said highway and so as not to impede the free flow of surface water along the water courses or ditches now constructed or hereafter constructed, nor to interfere with the proper drainage of the said streets or lanes adjacent thereto, and for that purpose where the said railway runs over a ditch, runway or water-course, the said company shall if necessary to preserve the drainage system lay down and maintain in an efficient state tile, crock or iron tubes under the said railway sufficient for the purpose of carrying off the water, and the said company shall if required by the said corporation construct a ditch along the roadside of the said railway.

5. The said company shall in constructing the said railway so imbed or properly ballast the ties or other substructure of the said railway that the rails shall be flush or level with the common grade of the said street, and so maintain the same within the rails and for eighteen inches on either side thereof, and shall properly grade all the

the crossings upon the said highways so as not to obstruct the said crossings or impede travel thereover, and shall so plank or grade the said railway in front of all gates, lanes and other places of ingress and egress to the lands bordering the said railway as not to obstruct or impede the free access to the same from the said streets

6. That in case the corporation shall at any time re-establish or alter the grade of any such highways or any portions thereof the said company shall make the said roadbed conform to the grade of the highway as re-established or altered, and in case the council decides to pave, re-pave or macadamize any portion thereof, the roadbed on or along the highway, the same shall be paved, repaved or macadamised, as the case may be, by or at the expense of the company.

7. Whenever the company removes any snow or ice from its roadbed it shall do so in such a manner as not to obstruct or render unsafe the free passage of wagons, sleighs or other vehicles along or across the highway, and if the effect of such removal will in the opinion of the engineer render the grade of the highway unsafe he may require the company also to remove or level the snow or ice on either side of its roadbed and to spread the same evenly so as to make such grades reasonably safe. Salt shall not be used for the purpose of removing any snow or ice.

8. The said railway shall be completed and put in operation for the carriage of passengers between the Village of Tecumseh and the City of Windsor on or before the first day of January, A.D. 1906, and construction shall be commenced on or before the first day of April, 1905, and shall be thenceforward continuously proceeded with, unless the council in the meantime grants an extension of time for the completion thereof, but no part of the railway within the township shall be put in operation until a special resolution sanctioning the same shall have been passed by the council, and such sanction shall be given only upon the presentation by the company of a certificate from the engineer or other officer specially appointed by the council certifying that the railway is in good condition, constructed conformably to the provisions of this by-law, and may be safely opened for traffic.

9. The railway shall be made with standard "T" rails and the gauge shall be four feet eight and a half inches.

10. The location of the railway and and the location and extent of every side track and turnout shall be subject to the direction and approval of the council when not governed by this by-law.

11. All poles shall be as nearly as possible straight and perpendicular, and all cable wires and overhead constructions shall be at least eighteen feet above the level of the surface of the rails. All such poles shall be placed along the said highway at such places and in such manner as may be directed by the engineer.

12. If for the purpose of removing any building or in the exercise of public rights over the said highways it is necessary that the said wires or poles be temporarily removed by cutting or otherwise the company shall at its own expense, on reasonable notice in writing from the engineer requiring it, remove such wires and poles. Such notice shall state the time as nearly as may be required for such removal, but no such notice shall be given or cutting permitted on a Sunday or holiday.

13. If the company shall fail to keep its roadbed in good repair according to the provisions of this by-law, and shall neglect to make such repairs for two days after notice from the engineer specifying the repairs necessary, or if they shall at any time neglect or refuse to comply with any of the requirements in the next preceding sections of this by-law, then, and so often as it shall happen, the corporation may cause the work to be done, and shall be entitled to recover the cost thereof from the company, but nothing herein contained shall be deemed to prejudice or diminish any other right or remedy of the corporation arising out of such neglect or refusal.

14. All works authorized or required by this by-law, whether of construction, maintenance, alteration, repair or removal, shall be maintained, executed and done by the company at its own expense in such manner as to cause the least possible impediment to the ordinary traffic of the highways.

The said work shall at all times be subject to the supervision, direction and approval of the engineer, but the company shall not thereby be relieved of any obligation, forfeiture or penalty to which it would otherwise be liable.

15. The following specifications regarding the equipment and operation of the said railway in the Township of Sandwich East shall at all times be observed by the company:—

(*a*) The cars to be used on the said railway shall be propelled by electricity only as a motive power, and their rates of speed shall be subject from time to time to the regulations and orders of the council, but until further regulation may be at least ten miles per hour.

(*b*) Good substantial cars equipped with all modern improvements for the convenience and comfort of passengers, including lighting and heating, shall be run at least eight times each way each day at regular intervals between the hours of six a.m. and eleven p.m.

(*c*) The cash fares to be taken by the company between the hour of six o'clock in the morning and midnight of the same day may be as follows:—For each passenger for any distance on the said railway in the same continuous route between the Pilette road in the township and any point in the City of Windsor reached by the cars of the company a sum not exceeding five cents; and between Pilette road and lot 129 in the first concession a sum not exceeding five cents; and from lot 129 inclusive to the Village of Tecumseh a sum not exceeding five cents; and the round trip fare from Tecumseh to Windsor shall not exceed twenty-five cents.

Provided that every child under five years of age not occupying a seat and while accompanied by either of its parents or other person having it in charge shall be carried free.

Provided that for every child under twelve years of age, except as aforesaid, the fare shall not exceed three cents between each of the above divisions.

Provided that no charge shall be made for carrying any police constable in the employ of the corporation, but such constable when on duty and in uniform shall be entitled to ride free on any car run for the carriage of passengers.

(*d*) The company may charge double the said rates of fare between the hour of midnight and six o'clock in the morning.

(*e*) The company shall keep tickets for sale upon all its cars run for the carriage of passengers and shall sell the same at the following rates:—Ordinary tickets, six for twenty-five cents, each ticket to be taken in payment of a five cent cash fare, children and school children's tickets, ten for twenty-five cents, each ticket to be taken in payment as three cent fare as above provided; workingmen's special tickets, eight for twenty-five cents, each ticket to be taken in payment of five cent cash fare between the hours of 6.30 and 7.30 o'clock in the morning, and between the hours of 5.30 and 6.30 o'clock in the afternoon, but such last mentioned tickets not to be good for fare at any other time.

(*f*) The company shall also carry small parcel freight at all times and may charge a reasonable compensation for so doing.

(*g*) No car shall be allowed to stop on a cross walk or in front of any intersecting highway except to avoid collision with or injury to any person or vehicle, or for other sufficient reason, nor shall any car stand on any highway at any time except to wait for passengers in the ordinary course of a trip.

(*h*) There shall be not less than two men in charge of each motor car, and an additional man in charge of each trailer other than a

freight

freight trailer, and when any car is stopped at the intersection of highways to receive or leave passengers it shall stand so as to leave the rear platform slightly over the crossing.

(*i*) There shall be painted in large plain letters on a conspicuous place on the outside of each car the number thereof so that each number may be readily distinguished by day or night, and every motorman, conductor or other person employed in running a car shall when so employed have his number conspicuously shewn on the breast of his coat.

(*j*) Every car after sunset shall be provided with a white headlight in front and a red light in rear conspicuously placed as a signal light, and every motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*k*) Every motor car while in use shall have a fender or other similar device securely fixed in front thereof so as to prevent as far as possible the killing or injuring of any person with whom the same may come in contact, except when by reason of deep snow the use of such fender is rendered impossible or would materially obstruct or hinder the operation of the car, or when, after an accident to the fender during a trip, the car carrying it is completing such trip. For every breach of this provision the company shall be liable to a fine not exceeding fifty dollars without prejudice to the other rights or remedies of the corporation.

16. The cars of the company shall have the right of way, and all persons with or without vehicles shall at all times give place to the cars or other conveyances of the company so as not to interfere with, impede or delay any such car or conveyance, and any person or persons or corporation refusing or failing so to do or causing any such car or conveyance to be obstructed, for each offence and for every day or portion of a day that such obstruction continues shall be liable to a fine not exceeding ten dollars, but the imposition of any penalty under this by-law shall not relieve the offender from any action or liability at law or other penalty to which he would otherwise be liable.

17. The council reserves the right to make such further rules, regulations, orders and by-laws in relation to the maintenance, repair and operation of the railway as from time to time may be reasonably necessary to protect the interest of the corporation or provide for the safety or accommodation and comfort of the public.

18. Any conductor or other employee who shall collect from any passenger more than the fare above provided shall be liable to a fine not exceeding five dollars for each offence.

19. The company shall if so required by the corporation allow any other electric railway to have running rights over its railway within the township during the remainder of the company's term upon and subject to such reasonable rates, charges, terms and conditions as may from time to time be agreed upon or determined by arbitration, such arbitration to be subject to the provisions of *The Municipal Act* and *The Act respecting Arbitrations and References* and amending Acts from time to time, the arbitrators to have all the powers of arbitrators appointed under the said Acts, and each party to pay half the costs of arbitration.

20. The company may enter into running arrangements with or transfer its rights under this by-law to The Windsor and Tecumseh Electric Railway Company upon such terms as may be by them agreed upon, but not contrary to or inconsistent with the terms and conditions of this by-law.

Provided that The Windsor and Tecumseh Electric Railway Company shall thereupon assume all the obligations of the company hereunder and undertake to extend said railway via the Lake Shore and Lesperance roads, or along Clapp's property, etc., to a point at or near the Grand Trunk Railway station at Tecumseh, or so far as it may be authorized, and thereafter to maintain and operate the same in the manner and subject to the provisions and conditions herein

herein expressed respecting the railway and works hereby authorized, but save as herein provided the company shall not connect with the railway of any electric or railway company or operate over the lines thereof, or permit such other company to connect with or operate over its railway or any part thereof within the township without the consent of the council first had and obtained.

21. No waiver by the corporation of any right of forfeiture under this by-law or *The Street Railway Act* shall extend to or be treated as a waiver in respect of any subsequent failure or default.

Provided always that the company shall not at any time be deemed to be in default under this by-law or the said Act by reason of any delay arising out of or contributed to by any strike, riot, the act of God or the King's enemies, legal proceedings or other matter or thing beyond the control of the company.

22. The company shall at all times indemnify and hold the corporation harmless from and against all actions and suits for indemnity for any damage or injury sustained by reason of the railway, and all claims and demands which may arise out of any act, matter or thing done or purporting to be done by or under the authority of this by-law; and shall indemnify the corporation against all loss, costs, damages and expenses, it may suffer, incur or be put to by reason of every such action, suit, claim and demand, including in such costs the fees which the corporation's solicitor would be entitled to if he were not paid by salary.

23. The property of the company and the income, if any, derived by the shareholders of the company, shall be exempt from taxation except for county and school rates for a period of fifteen years, which shall be renewed for a further period of ten years in the event of legislation thereunto enabling.

24. The expression "roadbed" wherever used in this by-law shall be deemed to mean the spaces between the rails of the railway side tracks and turnouts and the space of eighteen inches outside of and adjoining the outside rails.

25. "The engineer" shall be deemed to mean and include the engineer of the corporation for the time being and from time to time, or such other qualified person as the council may from time to time appoint to direct and supervise the construction and repair of highways.

26. Where by the terms of this by-law any fine by way of penalty is imposed the same may be enforced with costs upon summary conviction before any magistrate or justice of the peace having jurisdiction in and for the township, and may be levied by distress and sale of the goods and chattels of the offender.

27. Where by the terms of this by-law any notice is required to be given to the company the same may be served upon the president, secretary, superintendent, or other managing officer of the company, or at the company's office in Walkerville on the person for the time being in charge of such office.

28. To the extent that any of the provisions of this by-law are ultra vires the council the same shall be deemed to be made subject to their being validated and confirmed, and to the extent that they may be validated and confirmed, by the Legislature of the Province of Ontario, and until such validation and confirmation the said provisions shall be deemed to have been made and shall be valid and binding upon the corporation to the extent that the council has power to enact on the several subjects of the said provisions.

29. The corporation shall assist the company to procure legislation validating and confirming this by-law and the agreement hereinafter mentioned, and enabling the corporation to grant the renewal mentioned in section 23, the company to pay all the costs of and incidental thereto, including the costs of the corporation, if any.

30. This by-law shall not take effect unless and until formally accepted by the company on or before the 15th day of September, 1904,

1904, by an agreement which shall legally bind the company thereto and to indemnify the corporation against all loss, costs, charges and expenses which the corporation may incur or be put to by reason of any action or proceeding attacking or arising out of this by-law or the exercise by the company of any of the powers or rights hereby authorized or conferred, and such agreement when so accepted shall be executed under the seal of the corporation by the reeve and clerk.

Dated this 14th day of July, 1904.

(Sgd.) F. MAISONVILLE.
Reeve.

(Sgd.) MAURICE RENAUD.
Clerk.

SCHEDULE "B."

BY-LAW No. 273

Respecting Ontario Traction Company, Limited.

Whereas Ontario Traction Company, Limited, (incorporated under the Ontario Companies Act by letters patent bearing date the 17th day of November, 1903, and hereinafter called "The Company,") has applied to the Municipal Council (hereinafter called "the Council") of the Corporation of the Town of Walkerville (hereinafter called "the Corporation") for authority to construct, maintain, complete and operate a street railway upon and along the streets in the said Town of Walkerville hereinafter mentioned, and to exercise the powers and rights of a street railway company.

And whereas the council considers the operating of a street railway on the said streets would be of advantage to the residents of the localities in which such streets are located and to the public generally.

Now, therefore, the Municipal Corporation of the Town of Walkerville enacts as follows:—

1. Ontario Traction Company, Limited, its successors and assigns shall have authority and the right and privilege so far as the council has power to grant the same, to construct, maintain, complete and operate, and from time to time to move and change as required, a street railway consisting of a single track with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along the following streets in the Town of Walkerville, that is to say:—Assumption Street from the western limit of the town to Third Street; then along Third Street to Wyandotte Street; then along Wyandotte Street to Fourth Street; then along Fourth Street to Ontario Street; then along Ontario Street to the Walker Road; then along the Walker Road to the Tecumseh Road; also from Assumption Street along Susan Avenue to Sandwich Street; then along Sandwich Street to the eastern limit of the town; the said railway to be operated by the force or power of electricity, or such other suitable force or power, except steam, as the council may by by-law hereafter authorize; and also to erect, construct and maintain upon and along the said streets all poles, cables, wires and overhead construction necessary to the operation of the said railway by the trolley system.

Provided that if the company shall be unable to make satisfactory arrangements for running rights over the line of the Sandwich, Windsor and Amherstburg Railway along Assumption Street from Susan Avenue to Second Street, the portion of the route leading to the Tecumseh Road via the Walker Road shall be changed so as to run along Susan Avenue from Assumption Street to Brant Street, and along Brant Street to Third Street.

Provided also that the company shall before constructing its railway on Susan Avenue from Assumption Street to Sandwich Street satisfy the council that reasonable running rights cannot be obtained over the Sandwich, Windsor and Amherstburg Railway between those points, and in any event the consent of the council by resolution shall be obtained before such construction.

The said authority, right and privilege are granted for the term and upon and subject to the reservations, provisions and conditions following to be at all times observed and performed, that is to say:—

1. For the term of thirty years from the day on which this by-law takes effect, but subject to such rights, franchises, privileges and agreements now subsisting as have heretofore been granted or made by the corporation to or with any other company; and subject also to the right of the corporation to take up and replace the said streets or any of them for the purpose of altering the grades thereof, constructing or repairing pavements, sewers, drains or conduits, or for laying down or repairing water or gas pipes, and for all other purposes within the jurisdiction of the council without being liable to the company for any damage occasioned thereby.

2. The council shall have the right to cross or authorize the crossing of the company's railway by any street or electric railway, but any street or electric or other railway company so crossing shall pay the expenses of altering the rails so as to permit thereof and of thereafter maintaining such crossing.

2*a*. The company shall pay to the corporation a license fee of 25.00 per annum in each of the first five years, $50.00 in each of the second five years, and $100.00 in each of the remaining years of the said term, such payments to be made on the first day of December in each year.

3. The work of construction of the said railway shall be commenced on or before the first day of May, 1905, and the said railway shall be completed and put in operation for the carriage of passengers from the Bridge Works on the Walker Road to Oullette Avenue in Windsor and the Pilette Road in Sandwich East on or before the first day of December, 1905, or such later date as the council may from time to time appoint, but no part of the railway within the town limits shall be put in operation until a special resolution sanctioning the same shall have been passed by the council, and such sanction may be given only upon the presentation by the company of a certificate from the engineer or other officer specially appointed by the council that the railway is in good condition constructed conformably to the conditions of this by-law and may be safely opened for traffic.

3*a*. The company shall from time to time construct, maintain and operate such extensions and branch lines within such times and as may be recommended by the engineer and required and approved by by-law of the council, and such extensions and branch lines shall be constructed, maintained and operated upon and subject to the same terms and conditions as relate to the lines hereby authorized, and the company's rights in respect of the same shall terminate at the expiration of the term hereby granted.

4. The railway shall be made with six-inch groove rails of not less than eighty pounds to the yard weight, and the gauge thereof shall be four feet eight and one-half inches; the centre of the roadbed shall be as nearly as may be along the centre of the said streets, except where otherwise permitted or ordered by the council, and the rails shall be so laid that their upper surface shall be flush with the surface of the street.

5. The company shall make the roadbed to conform to the grades of the streets as now established and as from time to time re-established or altered by the council, and the portion of every street crossing intersecting the same to conform in material and workmanship to the specifications adopted by the council from time to time in respect of such crossing.

6. On such of the streets or portions of streets as are not paved or macadamized the company shall fill up the space between the rails

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of the railway to the surface and ends of the ties with suitable ballasting materials and cover the same to the level of the surface of the rails with gravel, slag, or cinders, unless required by the council to macadamize its roadbed, in which case the same shall be macadamized to the level of the surface of the rails and to a depth of not less than ten inches below the surface of the ties with good hard stone or other material suitable for the purpose.

7. On such of the streets or portions of streets as are now or hereafter paved, re-paved or macadamized, the roadbed shall be paved, re-paved or macadamized by the company, as may be required by the council.

8. The location and extent of every side track and turnout shall be subject to the direction and approval of the council.

9. All poles shall be of iron, painted and as nearly as possible straight and perpendicular, and the corporation shall be entitled to use the same in common with the company for placing and maintaining thereon wires, insulators, alarm boxes and other appliances necessary for the operation of an electric fire alarm system.

10. The company shall not cut down, remove or mutilate any tree without the written authority of the engineer.

11. All materials, dirt and refuse remaining from any work of construction, maintenance, alteration, removal, or repair, in connection with or arising out of the undertaking of the company, shall be removed by the company from the streets of the town forthwith.

12. Whenever the company removes any snow or ice from its roadbed it shall do so in such manner as not to obstruct or render unsafe the free passage of wagons, sleighs or other vehicles along or across the street, and if the effect of such removal will in the opinion of the engineer render the grade of the street unsafe he may require the company also to remove or level the snow or ice on either side of its roadbed so as to make such grade reasonably safe. Salt shall not be used for the purpose of removing any snow or ice, but all snow and ice removed as aforesaid shall forthwith be carried by the company to some other street or suitable place within a reasonable distance from the place of removal to be designated by the engineer and there deposited or spread as the engineer may direct.

13. If for the purpose of removing any building or in the exercise of the public right of travel it is necessary that the said wires or poles be temporarily removed by cutting or otherwise the company shall at its own expense, on reasonable notice in writing from the engineer requiring it, remove such wires and poles. Such notice shall state the time, as nearly as may be, required for such removal, but no such notice shall be given or cutting permitted on a Sunday or holiday.

14. If the company shall fail to keep its roadbed in good repair, according to the provisions of this by-law, and shall neglect to make such repairs for two days after notice from the engineer specifying the repairs necessary, or if they shall at any time neglect or refuse to comply with any of the requirements of the next preceding ten sections of this by-law, then, and so often as it shall happen, the corporation may cause the work to be done and shall be entitled to recover the cost thereof from the company, but nothing herein contained shall be deemed to prejudice or diminish any other right or remedy of the corporation arising out of such neglect or refusal.

15. All works authorized or required by this by-law whether of construction, maintenance, alteration, repair or removal, paving or repaving, shall be maintained, executed and done by the company at its own expense in such manner as to cause the least possible impediment to the ordinary traffic of the streets and so as not in any way to obstruct the entrance to any door or gateway or free access to any building, and in every case the company shall without unnecessary delay restore the streets to their former condition.

The said works shall at all times be subject to the supervision, direction and approval of the engineer, but the company shall not thereby

thereby be relieved of any obligation, forfeiture or penalty to which it would otherwise be liable.

16. The following specifications regarding the equipment and operation of the said railway in the Town of Walkerville shall at all times be observed by the company:—

(*a*) The cars to be used on the said railway shall be propelled by electricity only as a motive power, and their rates of speed shall be subject from time to time to the regulations and orders of the engineer.

(*b*) Good substantial cars, equipped with all modern improvements for the convenience and comfort of passengers, including lighting and heating, shall be run as the public convenience may require, and the council from time to time direct.

(*c*) The cash fares to be taken by the company between the hour of six o'clock in the morning and midnight of the same day may be as follows:—For each passenger for any distance on the said railway in the same continuous route between any point in the Town of Walkerville and the Pilette road in the Township of Sandwich East, or between any point in the Town of Walkerville and any point in the City of Windsor, a sum not exceeding five cents; provided that every child under five years of age and while accompanied by either of its parents or other person having it in charge shall be carried free; provided that for every child under twelve years of age, except as aforesaid, the fare shall not exceed three cents; provided that no charge shall be made for carrying any police constable or member of the fire department in the employ of the corporation, but such constables or firemen when on duty and in uniform shall be entitled to ride free on any car run for the carriage of passengers.

(*d*) The company may charge double the said rates of fare between the hour of midnight and six o'clock in the morning.

(*e*) The company shall keep tickets for sale upon all its cars run for the carriage of passengers, and shall sell the same at the following rates: Ordinary tickets, six for twenty-five cents, each ticket to be taken in payment of a five cent cash fare; children's tickets, ten for twenty-five cents, each ticket to be taken in payment of fare for a child under twelve years of age as above provided; workingmen's special tickets, eight for twenty-five cents, each ticket to be taken in payment of fare between the hours of 6.30 and 8 o'clock in the morning, and between the hours of 5.30 and 7.30 o'clock in the afternoon, but such last mentioned tickets not to be good for fare at any other time.

(*f*) The company may also carry freight, and may charge a reasonable compensation for so doing.

(*g*) No car shall be allowed to stop on a cross walk or in front of any intersecting street except to avoid collision with or injury to any person or vehicle, or for other sufficient reason, nor shall any car stand on any street at any time except to wait for passengers in the ordinary course of a trip.

(*h*) There shall be not less than two men in charge of each motor car, and an additional man in charge of each trailer, other than a freight trailer, and when any car is stopped at the intersection of streets to receive or leave passengers it shall stand so as to leave the rear platform slightly over the crossing.

(*i*) There shall be painted in large plain letters on a conspicuous place on the outside of each car the number thereof, so that each number may be readily distinguished by day or night, and every motorman, conductor or other person employed in running a car shall when so employed have his number conspicuously shewn on the breast of his coat.

(*j*) Every car after sunset shall be provided with a white headlight in front and a red light in rear conspicuously placed as a signal light, and every motor car shall have a gong attached to it which shall

shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*k*) Every motor car while in use shall have a fender or other similar device securely fixed in front thereof so as to prevent as far as possible the killing or injuring of any person with whom the same may come in contact, except when by reason of deep snow the use of such fender is rendered impossible or would materially obstruct or hinder the operation of the car, or when after an accident to the fender during a trip the car carrying it is completing such trip. For every breach of this provision a penalty not exceeding fifty dollars ($50.00) may be imposed.

17. The cars of the company shall have the right of way, and all persons with or without vehicles shall at all times give place to the cars or other conveyances of the company, so as not to interfere with, impede or delay any such car or conveyance, and any person or persons or corporation refusing or failing so to do, or causing any such car or conveyance to be obstructed, for each offence and for every day or portion of a day that such obstruction continues shall be liable to a fine not exceeding ten dollars, but the imposition of any penalty under this by-law shall not relieve the offender from any action or liability at law or other penalty to which he would otherwise be liable; provided that this clause shall not apply to the officer in charge of Messrs. Walker Sons' fire brigade, or the fire brigade of the corporation, if any, at any fire, but such officer or person may in his discretion order any car or cars to be moved or stopped, the company's electric current to be shut off at any point or points, and the cutting or pulling down of any poles, cables, wires or overhead construction, when, where and so often as need shall be, and the company shall not be entitled to damages in respect thereof.

18. The council reserves the right to make such further rules, regulations, orders and by-laws in relation to the maintenance, repair and operation of the railway as from time to time may be reasonably necessary to protect the interest of the corporation or provide for the safety or accommodation and comfort of the public.

19. Any conductor or other employee who shall collect from any passenger more than the fare above provided unless such passenger is going beyond one of the limits mentioned in clause "c" of section 16 of this by-law shall be liable to a fine not exceeding five dollars for each offence.

20. The company shall, if so required by the corporation, allow any other electric or other railway to have running rights over its railway within the Town of Walkerville during the remainder of the company's term upon and subject to such reasonable rates, charges, terms and conditions as may from time to time be agreed upon or determined by arbitration, such arbitration to be subject to the provisions of *The Municipal Act* and *The Act respecting Arbitrations and References*, and amending Acts from time to time, the arbitrators to have all the powers of arbitrators appointed under the said Acts, and each party to pay half the costs of arbitration; but the company shall not connect with the railway of any electric or railway company or operate over the lands thereof, or permit such other company to connect with or operate over its railway or any part thereof within the Town of Walkerville without the consent of the council first had and obtained.

21. Should the company fail to complete the railway, or at any time for the space of one month to operate the same as provided by this by-law, or any rule, regulation, order or by-law made in pursuance hereof, or at any time make default in payment of any money which may be payable to the corporation by virtue of this by-law or the agreement hereinafter mentioned, then the council may declare the rights and privileges hereby granted to be forfeited, and shall thereupon to the exclusion of the company, its successors and assigns, have the right of possession of the tracks, poles, wires, appliances and fixtures of the company on the streets within the limits of the town, and may cause the same to be removed and sold and the streets to be

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put in proper repair, or, without removing the same, may sell them by public auction or private contract for such price and on such terms of payment as it may deem fair and reasonable to any person or company that will undertake to the satisfaction of the council to operate the railway according to the terms of this by-law, and upon any such sale the corporation shall be entitled to apply the proceeds in payment of the costs and expenses of and incidental to such sale, removal and repair, including the costs of obtaining and keeping possession of any of the said property or of enforcing the said forfeiture, and the company shall make good any deficiency or be entitled to the residue, if any, as the case may be.

No waiver of any right of forfeiture under this section shall extend to or be treated as a waiver in respect of any subsequent failure or default;

Provided, always, that the company shall not be deemed to be in default under this section by reason of any delay arising out of or contributed to by any strike, riot, the act of God or the King's enemies, legal proceedings or other matter or thing beyond the control of the company.

22. The company shall not be entitled to damages on account of any of its poles or wires being cut or cars stopped or delayed by direction of the officer in charge of the fire brigade at any fire if in the opinion of such officer it is advisable that such poles or wires be cut.

23. The company shall at all times indemnify and hold the corporation harmless from and against all actions and suits for indemnity for any damages or injury sustained by reason of the railway and all claims and demands which may arise out of any act, matter or thing done or purporting to be done by or under the authority of this by-law; and shall indemnify the corporation against all loss, costs, damages and expenses it may suffer, incur or be put to by reason of every such action, suit, claim and demand, including in such costs the fees which the corporation's solicitor would be entitled to if he were not paid by salary.

24. The property of the company shall be exempt from taxation for a period of ten years.

25. The expression "roadbed" wherever used in this by-law shall be deemed to mean the spaces between the rails of the railway side tracks and turnouts and the space of eighteen inches outside of and adjoining the outside rails.

26. "The engineer" shall be deemed to mean and include the engineer of the corporation for the time being and from time to time, or such other qualified person as the council may from time to time appoint to direct and supervise the repair of streets.

27. Where by the terms of this by-law any fine by way of penalty is imposed the same may be enforced with costs upon summary conviction before the mayor, police magistrate or any justice of the peace in and for the Town of Walkerville, and may be levied by distress and sale of the goods and chattels of the offender.

28. Where by the terms of this by-law any notice is required to be given to the company the same may be served upon the president, secretary, superintendent, or other managing officer of the company, or at the company's offices in Walkerville, upon the person for the time being in charge of such office.

29. So far as it may lawfully do so under the laws now in force or under any public or private Act hereafter passed which shall have the force of law in Ontario, the company shall have the right to operate the railway hereby authorized on Sundays as well as on week days during the term hereby granted.

30. To the extent that any of the provisions of this by-law are ultra vires the council the same shall be deemed to be made subject to their being validated and confirmed and to the extent that they may be validated and confirmed by the Legislature of the Province of Ontario, and until such validation and confirmation the said provisions

visions shall be deemed to have been made and shall be valid and binding upon the corporation to the extent that the council has power to enact on the several subjects of the said provisions.

31. This by-law shall extend and apply to any portion of the company's railway which may hereafter be or be brought within the limits of the Town of Walkerville by any extension or extensions of the said limits.

32. Before commencing any work on any of said streets the company shall furnish to the corporation a bond in the sum of one thousand dollars ($1,000) to be approved by the council, conditioned for the faithful observance and performance by the company for and during the term of three years from its date of all the provisions and conditions of this by-law and the agreement hereinafter mentioned to be by it observed and performed.

33. The corporation shall assist the company to procure legislation validating and confirming this by-law and the agreement hereinafter mentioned, the company to pay all the costs of and incidental thereto, including the costs of the corporation, if any.

34. This by-law shall not take effect unless and until formally accepted by the company on or before the first day of July, 1904, by an agreement which shall legally bind the company thereto, and to indemnify the corporation against all loss, costs, charges and expenses which the corporation may incur or be put to by reason of any action or proceeding attacking or arising out of this by-law or the exercise by the company of any of the powers or rights hereby authorized or conferred, and such agreement when so accepted shall be executed under the seal of the corporation by the mayor and clerk.

Dated this 14th day of June, 1904.

(Sgd.) J. E. DOBIE,
Mayor.

(Sgd.) CECIL H. ROBINSON,
Clerk.

[Corporate Seal.]

SCHEDULE "C."

By-law No. 1121, respecting Ontario Traction Company, Limited.

Whereas Ontario Traction Company, Limited, (incorporated under the *Ontario Companies Act* by Letters Patent bearing date the 17th day of November, 1903, and hereinafter called "the company") have applied to the municipal council (hereinafter called "the council") of the corporation of the City of Windsor (hereinafter callled "the corporation,") for authority to construct, maintain, complete and operate a street railway upon and along the streets in the said City of Windsor hereinafter mentioned, and to exercise the powers of a street railway company;

And whereas the council considers the operating of a street railway on the said streets would be of advantage to the residents of the locality in which such streets are located and to the public generally;

Now, therefore, the municipal council of the corporation of the City of Windsor enacts as follows:—

1. The consent, permission and authority of the corporation of the City of Windsor is hereby given and granted to Ontario Traction Company, Limited, their successors and assigns, to lay out, construct, maintain, complete and operate a street railway, consisting of a single track with such switches and turnouts as may be authorized in manner hereinafter provided, and to erect all necessary poles, wires and overhead construction for the completion of the said railway on the trolley system and its operation by running cars thereon by means of electricity as a motive power, in, upon and along the following streets in the City of Windsor, that is to say: Assumption street from the easterly limit of the City of Windsor

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to Windsor avenue, along Windsor avenue northward to Pitt street, along Pitt street westerly to Ouellette street, and as much further westward along Pitt street, but not farther than the Canadian Pacific Railway lands as the council may hereafter by resolution direct to be done.

2. The council hereby give and grant to Ontario Traction Company, Limited, their successors and assigns, the right to keep, maintain and use their said tracks and railway, poles, wires and overhead construction on the said streets and thereon to operate the railway and its cars, carriages, motors and machinery during the term hereinafter specified upon and subject to the conditions and agreements hereinafter mentioned or contained.

3. The grant herein contained shall be subject to such rights franchises, privileges and agreements as have heretofore been granted by any by-law or by-laws of the council to the Sandwich, Windsor and Amherstburg Railway Company as are now possessed by that company.

4. The rights conferred upon the company by this by-law and the agreement to be executed in pursuance thereof shall in no case be taken to prevent the corporation or their grantees from crossing the railway of the company by other railways traversing other streets in which privileges not inconsistent with the terms of this by-law may be granted, but such right to cross the same is hereby expressly reserved.

4*a*. "The city engineer" shall be deemed to mean and include the city engineer of the corporation for the time being and from time to time, or such other qualified person as the council may from time to time appoint to direct and supervise the repair of the streets.

5. Such railway shall be so laid that the rails on each side of the track shall be as nearly as possible at an equal distance from the centre of the street except where otherwise directed by the city engineer, and the tracks shall be of the gauge of four feet eight and one-half inches, and shall be made with six inch girder rails of a weight of not less than eighty pounds to the yard (and shall be laid in such manner as will least obstruct the free and ordinary use of the streets and the passage of vehicles and carriages over the same), and the upper surface of the rails shall be laid and maintained flush with the surface of the streets, and shall conform to the grades thereof as they shall be established by profile and cross section to be made by the city engineer at the time such rails are laid, the company to grade the streets to the full width of the roadway of said railway according to such profile and cross sections where the grades thereof are changed at the time of the construction of the railway, and afterwards to conform at their own expense to the grades of the streets as they may from time to time be re-established or altered, and in case of grading, paving or otherwise, if it be necessary to re-lay said rails the same shall be done at the expense of the company, and the whole of such work shall be done and completed to the satisfaction of the council; and in all cases of construction or relaying the switches and turnouts shall be laid in such manner, at such places, and of such extent as the city engineer shall under authority to be specially given by the council direct and approve.

6. The space between the rails to be laid for the railway upon any paved or macadamized street, and for eighteen inches outside of such rails, shall be constructed and made good to the level of the surface of the rails by and at the expense of the company, and shall be thereafter by the company and under the direction of and as required by the city engineer maintained and kept in repair to the level of the surface of the rails with such materials as the Public Works Committee of the council may from time to time direct, and all dirt and refuse caused by repairs to the said railway track shall be removed therefrom by the company as may be directed and required by the city engineer; and the company shall

shall also construct and keep in good repair crossings of a similar character to those adopted by the corporation at the intersection of every such railway track and crossing thereof, such crossings to be laid and kept in repair by the company.

7. The space between the rails laid by the company in any street not paved or macadamized, and for eighteen inches outside of such rails, shall be well macadamized to the level of the top of the rails and to a depth of not less than ten inches below the line of the surface of the ties with good hard stone or other material suitable for that purpose; and such macadamizing shall be continually kept up to such level by the company, but such macadamizing between the rails shall not be done unless required by the said Public Works Committee, and if it shall not require the space between the rails upon any such street to be so macadamized the same shall be ballasted by the company to the line of the surface of the ties with suitable materials and shall be filled up with gravel, slag or cinders to the level of the top of the rails by and at the expense of the company, and shall be so maintained by them at their own expense.

8. During the operation of laying the rails a free passage for carriages and vehicles over the streets shall be kept open, and immediately after the rails shall have been laid the paving and macadamizing and other material necessarily removed in laying the same shall be replaced in a good substantial manner as before such removal, and the surface of the streets shall be made flush with the rails, no portion of the surface of the streets shall be kept broken or disturbed for a greater time than one week, and all surplus street material shall be carefully removed by the company and deposited in such place or places as may be directed by the city engineer, not more than one mile from the place of such removal.

8a. That the said company exercising the rights herein granted upon any street or streets of the City of Windsor shall first pay to the city such portion of the cost of all permanent pavements which may have been made as the said company would have been obliged to pay for or construct under the provisions of this by-law if such pavement were to be constructed subsequent to the construction of the railway.

9. The said street railway shall be constructed and electric cars running thereon between the Village of Tecumseh in the Township of Sandwich East and the westerly terminus of said road in the City of Windsor, on or before the first day of January, 1906, or such other later date as the council may from time to time appoint, and substantial progress shall be made with the construction of the easterly portion within six months from the final passing hereof, and thenceforward continuously proceeded with.

Provided always that the company shall not be deemed to be in default under this by-law if the said time be exceeded by reason of delay arising out of any strike, riot, the act of God or the King's enemies, or by reason of any matter or thing contained in or arising out of chapter 112 of the Statutes of Ontario passed in the third year of His Majesty's reign.

10. And it is hereby expressly declared that the corporation shall not be held liable to the company for any damage the company may incur or sustain from the breakage of any sewer or water pipes, or for any delay that may be caused by the construction of any sewers, the laying of water pipes, or the necessary repairing of same, or for any other delay or damage that may be caused by freshets, fire or otherwise, or from repairs, changes or improvements in the streets.

11. All rights now or that may hereafter be vested in the corporation, or in any gas company, telephone, telegraph, electric light, or other company in respect to the care and improvement of the streets, the construction of sewers, culverts or drains, and the laying of water or gas pipes therein, or the placing of poles or wires, are in no way to be affected or impaired by

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any privilege that may be granted to the company, but the said railway must be laid down and maintained subject to the rights of the corporation, and the company is to take up, alter, repair or remove sewers, water and gas pipes, and to place poles and wires, and subject to all other purposes within the province and privileges of the corporation without claim or damage against the corporation or any of the said companies, and the council expressly reserve to themselves the right hereafter to lay down or permit to be laid down in the said streets gas or water pipes or sewers, and place or permit the placing of poles and wires, and to alter, improve and repair said streets whenever the public or private convenience may require.

12. Whenever it shall be deemed necessary by the council to pave or repave any street occupied by the railway tracks of the company, that portion of said street embraced between the outer lines of the rails of such tracks, switches and turnouts and eighteen inches outside of such rails shall be paved by and at the expense of the company, and during the continuance of this grant the same shall be kept in repair to the satisfaction of the said Public Works Committee by the company.

13. The company shall indemnify and hold the corporation harmless from any damage that may be claimed by property holders or by any person or persons on account of the laying of their tracks or the use thereof, or the running of cars thereon, and shall indemnify the corporation against all damages, actions, costs and expenses they may pay, incur or be put to by reason of any such claim, or of damage or injury from any electric system adopted by the company, and shall by the use of guard wires and other sufficient means protect all the city fire alarm wires and all telegraph or telephone wires from injury by the wires or other devices that may be used by the company for the working of the railway.

14. No part of said railway within the city limits shall be opened to the public or put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the city engineer declaring the said railway to be in good condition and constructed conformably to the conditions prescribed by this by-law in that behalf between the said Village of Tecumseh and the westerly terminus of said road in the City of Windsor.

15. The company shall place and continue on said railway good cars with all modern improvements for the convenience and comfort of passengers, including lighting and heating, and they shall run cars thereon as the public convenience may require under such directions as the council may from time to time prescribe.

16. The privileges granted by this by-law shall extend until the expiration of thirty years from the passing hereof.

17. In case the company shall fail to keep the streets in which their railway shall be laid in good repair according to the provisions of this by-law and to the satisfaction of the said Public Works Committee, and shall neglect to make such repairs for two days after notice in writing from the city engineer served upon the president, secretary, superintendent, or other managing officer of the said railway; specifying the repairs, then and in such case the corporation shall have the right to cause such repairs to be made and to collect the cost thereof from the company.

18. Whenever it shall be necessary to remove any snow or ice from the track or tracks of the company's road, switches or turnouts, and from the spaces between such tracks and for eighteen inches outside of such tracks, or whenever the city engineer shall direct the removal thereof, such snow and ice shall be removed by the company in such manner as not to obstruct or render unsafe the free passage of sleighs or other vehicles along or across the street, and all snow or ice removed from the track or tracks of

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the company or from the spaces between or alongside such tracks shall be forthwith carried away in sleighs or other vehicles by and at the expense of the company to some other street or suitable place to be approved by the said Public Works Committee and which shall be within reasonable distance of the street from which the snow or ice is removed and as near thereto as practicable, and shall be there spread or deposited in such manner as the city engineer shall direct; and if the city engineer shall certify under his hand at any time that in his opinion the carrying away of the snow or ice then upon the street is unnecessary the company shall not be obliged to carry it away, but such certificate shall not relieve the company from any liability to the corporation or to others for accident caused by snow or ice between or alongside the company's tracks, and in removing snow or ice from their tracks the company shall leave the surface of the snow between the tracks as much above the rails as it can be allowed to remain without impeding the operation of the railway. The said Public Works Committee shall have power to determine what portion of the snow or ice upon any street has been removed by the company from the spaces between or alongside their tracks and should be carried away by the company under the terms of this by-law, and shall also determine how much snow in addition to that removed from the tracks or from alongside them the company shall remove or carry away in order to make the grade of the street outside their tracks reasonably safe, and their direction or determination shall be final and the company shall be bound thereby. If the company shall at any time neglect or refuse to comply with any of the requirements or provisions in this clause contained with regard to the removal or carrying away or spreading of snow or ice the corporation shall be at liberty to do the work which should have been done by the company and shall have the right to recover from the company the cost of such work, but nothing herein contained shall prejudice or diminish any other right or remedy which the corporation might have on account of any neglect or refusal on the part of the company to comply with any of the requirements or provisions hereof. The use of salt for the purpose of removing snow or ice from any of the said tracks is hereby prohibited.

19. The following specifications regarding the operating of the said railway in the City of Windsor shall be observed by the company:

(*a*) The cars to be used on the said railway shall be propelled by electricity only as a motive power.

(*b*) The cash fares to be taken by the company between the hour of six o'clock in the morning of any day and one o'clock of the next ensuing day may be as follows:—For each passenger for any distance on the said railway in the same continuous route within the City of Windsor and Walkerville a sum not exceeding five cents;

Provided that every child under five years of age not occupying a seat and while accompanied by its parents or other person having it in charge shall be carried free;

Provided that for every child under twelve years of age except as aforesaid, the fare shall not exceed three cents;

Provided that no charge shall be made for carrying any police constable or member of the fire department or of the detective force in the employ of the corporation, but such constables or firemen when on duty and such detectives wearing their official badges shall be entitled to ride free on any car run for the carriage of passengers.

(*c*) The company may charge double the said rates of fare between the hours of one o'clock and six o'clock in the morning;

(*d*) The company shall keep tickets for sale at some place in the business portion of the city convenient for the people, and also upon their cars, and shall sell the same at the following rates:—

Ordinary

Ordinary tickets six for twenty-five cents, each ticket to be taken in payment of a five cent cash fare; children's tickets ten for twenty-five cents, each ticket to be taken in payment of a fare for a child under twelve years of age as above provided; workingmen's special tickets eight for twenty-five cents, each ticket to be taken in payment of fare between the hours of six and half-past seven o'clock in the morning and between the hours of five and seven o'clock in the afternoon, but such last mentioned tickets not to be good for fare at any other time; students' tickets to be issued at a rate of twenty-five per cent. less than ordinary tickets. No greater charge for fare, freight or express from any point outside of Windsor to Windsor than from the same point to Walkerville shall be made by the said company.

Notwithstanding anything herein contained, the rate of fare from any point in Windsor to Tecumseh shall for adults not exceed fifteen cents, or twenty-five cents for a round trip; and from Tecumseh to any point in Windsor the said fare for single or round trip shall not be exceeded. For children not accompanied by parents or guardian, one-half the above rates in each case.

(*e*) Cars running in the same direction or in opposite directions on the same track shall not approach each other within a distance of one hundred (100) feet except in cases of accident or *where* it may be necessary to connect them together, and also except at stations, switches and turnouts, and the rate of speed of all cars when running on or crossing public streets shall be subject to the direction of the council from time to time. When a car is turning at a corner from one street to another it shall be run at a rate of not more than four miles an hour.

(*f*) The company may also carry freight and may charge a reasonable compensation for so doing.

(*g*) No cars shall be allowed to stop on a cross walk or in front of any intersecting street except to avoid collision or to prevent danger to persons in the streets or for other sufficient cause, nor shall any car be left or remain standing on any street at any time unless the same is waiting for passengers.

(*h*) There shall not be less than two men in charge of each motor car and an additional man in charge of each trailer other than a freight trailer, and when any car is stopped at the intersection of streets to receive or leave passengers it shall stand so as to leave the rear platform slightly over the crossing.

(*i*) It shall be the duty of the company to employ careful, sober and prudent conductors and motormen to take charge of their cars while on the road, and it shall be the duty of such conductors and motormen so far as may be practicable to keep a vigilant watch for all teams, carriages and persons on foot and especially children, either upon the track or moving towards it, and on the first appearance of danger the car shall be stopped in the shortest time and space possible.

(*j*) The conductors shall not allow any passengers to enter or leave the cars while in motion.

(*k*) The cars after sunset shall be provided with a white headlight in front and a red light in rear, conspicuously placed as a signal light, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*l*) It shall and may be lawful to and for all and every person and persons whatsoever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they please, provided they do not impede or interfere with the cars of the company running thereon.

(*m*) The cars shall be entitled to the track, and any horse or vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, and any one placing an obstruction upon the track except as authorized by this by-law.

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or the driver of any vehicle refusing to turn out when requested or signalled by the conductor or motorman of any car, shall be liable to a penalty not exceeding ten dollars and the costs of prosecution on conviction before the police magistrate, and such penalty may be imposed for every day that such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the persons causing such obstruction from liability for damages or from any penalty imposed by law; but if any person or persons shall have cause to remove any building or other large or heavy substance such person or persons shall be allowed reasonable and sufficient time to remove, load or unload the same without being liable for the penalty attached by this section, provided that any person or persons before removing any building along or across the railway shall first obtain the consent in writing of the said Public Works Committee for such removal, and shall give notice in writing to the company by leaving the same with an officer of the company wherever he may be found, or by leaving it at the office of the company in Windsor, said notice to state as near as may be the probable time of moving along or across the railway, which time shall not be earlier than twelve hours after such notice.

(*n*) Any conductor or other employee who shall collect of any passenger more than the fare prescribed by this by-law, shall on conviction in the police court, pay a fine of not less than five dollars for each offence.

20. The company shall not connect with the system of any other electric or railroad system or operate over the lines thereof within the City of Windsor, and shall not enter into any arrangement or agreement with or permit any electric or railroad company to operate over its lines within said City of Windsor without the authority of the council.

21. The company shall have painted in large plain letters on a conspicuous place on the outside of each car the number thereof, so that each number may be readily seen and read by day or night, and each person employed in running a car shall when so employed have his number conspicuously shown on the breast of his coat.

22. It is hereby reserved to the council to make such further rules, regulations, orders and by-laws in relation to the construction, repairs and operation of the railway as from time to time may be deemed necessary to protect the interests of the corporation, or to provide for the safety, welfare or accommodation of the public, but no alteration in those rules shall be made which will have the effect of impairing the substantial rights of the company.

23. Should the company fail to complete their said railway as provided for in this by-law as well outside the limits of the City of Windsor as within, or to commence running electric cars thereon within the time limited therefor in this by-law, or should the company within the time limited by this grant neglect to run electric cars on said railway, or any part thereof, after the completion thereof, for the accommodation of the public as provided by this by-law or by any rules and regulations of the said council made in pursuance hereof, for the space of one month, or should the company make default in payment of any moneys which may from time to time become payable by them under this by-law or in performance of the agreement to be made in pursuance hereof, then the company shall forfeit all privileges and rights which they may have acquired by said grant or by the use or possession of said streets; and in such case the corporation reserve the right to cause all obstructions and materials placed on said streets by the company to be removed therefrom and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed therein, and the expense thereof shall be paid to the corporation by the company; and the council also in such case reserve the right to grant the same rights and privileges to any person or persons, company or companies, free from all charges or liabilities for damage on account thereof. The corporation

poration shall have a lien upon all such materials for the expense of the removal thereof and of putting said streets in good condition and repair, and shall have the right to sell and dispose of such materials, and pay over to the company or their assigns the residue, if any, of the proceeds thereof, after deducting the expenses of and incidental to such sale, and the expenses of such removal and repair, or the corporation may without taking up or removing such materials, sell the same either by public auction or by private contract, for such prices and on such terms of payment as they may deem fair and reasonable to any person or company who shall undertake to the satisfaction of the council to operate an electric railway efficiently from Walkerville to Windsor, or any part thereof. And the corporation shall in such case pay over to Ontario Traction Company, Limited, or their assigns, the proceeds of any such sale after deducting all expenses thereof or incidental thereto.

24. The grant made by this by-law is hereby declared and agreed to be subject to the condition that no part of the streets hereinbefore mentioned shall be used or occupied by the company, its successors and assigns, for any other purpose than as a portion of an electric railway to be regularly and efficiently operated each and every day with a car service for passengers of not less than a car every fifteen minutes between the present location of the Bridge Works in Walkerville and the westerly terminus of the road in Windsor beginning at six o'clock in the morning and continuing until seven o'clock in the evening, and of not less than a car every three hours beginning with six o'clock in the morning (sun time) between the Village of Tecumseh in the County of Essex and the westerly terminus of the road in the City of Windsor, and that if the company, its successors or assigns shall at any time for a period of one month fail or cease to operate said railway regularly and efficiently for the whole distance of its railway the right granted by this by-law to the use of said streets shall cease, and thereupon the corporation may exercise the powers contained in the last preceding clause of this by-law for the removal or sale of the materials or obstructions placed by the company in said streets, no waiver of any forfeiture or determination under this condition of the right granted by this by-law to use or occupy said streets, or parts of streets, for an electric railway, shall be treated or construed as a waiver of this condition, but a forfeiture or determination of such right may be enforced under this condition for any subsequent breach thereof.

25. The poles to be used for the company's wires on the city streets shall be of iron and of the most improved pattern, except where the company shall with the consent of the council use the poles of any telegraph or telephone or other electric railway company, and all poles shall be placed on the sides of the streets, and all poles of the company shall be placed in such a manner as to obstruct as little as possible the use of the streets for other purposes and shall be so placed under the direction of the said Public Works Committee, and the corporation shall be entitled to use all the poles of the company erected within the limits of the City of Windsor to such extent as the council thereof may deem necessary for the operation of the electric fire alarm system of said city, and for placing and carrying thereon wires, insulators, alarm boxes and other apparatus.

26. The company may at any time hereafter with the permission of the council operate their said railway by any improved system of electric propulsion other than the trolley system, should they so desire, provided that all proper precautions be taken that no increased danger to life and property shall thereby be incurred.

27. When necessary in case of fire the chief engineer or person in charge of the fire brigade shall have the right to cut or pull down any wires of the company which obstruct the operation of the firemen, or to direct that they shall be so cut or pulled down, and also to require the company to stop the running of their cars

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to or near the building or buildings which may be on fire, and the corporation shall not be liable to the company for any loss or damage thus caused.

28. All works of construction and repair and of removal and of spreading of snow and ice shall be done and all poles shall be placed under the supervision of and to the satisfaction of the said Public Works Committee.

29. No breaking up of any portion of the streets in the City of Windsor by or on behalf of the company, or any occupation thereof or work of construction thereon by the company shall be permitted unless by special resolution of the council until the company has completed the construction of the easterly portion of the said railway up to the limit of the City of Windsor.

30. The company shall securely fix upon the front of each motor car used by them, in the streets of the City of Windsor and shall use continuously upon each of such motor cars so long as the same shall be running in any of the city streets, a fender or other similar device of such form and construction and so placed upon the car as to prevent as far as possible the killing or injuring of any person with whom the car when being operated in any of the city streets may come in contact; but this by-law shall not apply where by reason of a heavy fall of snow the use of a fender upon a motor car is rendered impossible or would obstruct the running of the car, or where, after an accident to the fender during a trip, the car carrying it is completing such trip.

31. For every breach of the last preceding section of this by-law a penalty of not more than fifty dollars exclusive of costs may be imposed, and such penalty may be recovered and enforced with costs by summary conviction before the police magistrate or any Justice of the Peace for the City of Windsor, and may be levied by distress and sale of the goods and chattels of the company.

32. In the event of any local municipality or any part thereof being annexed or amalgamated to the City of Windsor at any time during the continuance of this by-law, or any extension thereof, as hereinbefore provided, the railway or railways belonging to the company now or hereafter constructed within such local municipality or such part thereof as may be annexed or amalgamated as aforesaid, and the working thereof of the company in relation thereto shall have all the rights and conditions of this by-law.

33. The company shall if so required to do by the corporation allow any other electric railway to have running powers over the lines of Ontario Traction Company, Limited, within the limits of the City of Windsor, and to operate its cars, carriages, motors and machinery during the term hereinbefore specified upon and subject to such reasonable rates, charges, terms and conditions as may from time to time be determined by arbitration, and any such arbitration shall be subject to the provisions of the *Municipal Act* and the *Act respecting Arbitrations and References*, and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of arbitration.

34. The company shall before constructing any part of its railway within the City of Windsor furnish to the corporation a bond for the sum of two thousand dollars to be approved of by the corporation, conditioned upon the full and prompt fulfilment and observance of all the conditions of this by-law and the agreement hereinafter referred to, and the company shall receive back said bond duly cancelled after two years from its execution, if the company shall have complied with its terms until that time.

35. The property of the company shall be exempt from taxation for a period of fifteen years.

36. So far as they may lawfully do so under the laws now in force or under any public or private Act hereafter passed which shall have the force of law in Ontario the company shall have the right

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to operate the railway hereby authorized on Sundays as well as on week days during the term hereby granted.

37. To the extent that any of the provisions of this by-law are *ultra vires* the council the same shall be deemed to be made subject to their being validated and confirmed, and to the extent that they may be validated and confirmed by the Legislature of the Province of Ontario, and until such validation and confirmation the said provisions shall be deemed to be made and shall be valid and binding upon the corporation to the extent that the council has power to enact on the several subjects of the said provisions.

38. The corporation shall assist the company to procure legislation validating and confirming this by-law and the agreement provided for in section 37 of this by-law, the company to pay all the costs of and incidental thereto, including the costs of the corporation, if any.

39. This by-law and the powers and privileges hereby granted shall not take effect nor be binding upon the corporation unless formally accepted by the company on or before the fifteenth day of July, 1904, by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and to indemnify the corporation against all loss, costs, charges and expenses of every nature whatsoever which the city may be put to including solicitors' fees in the same manner as if the solicitors were not paid by salary, by reason of any dispute, action, claim or demand in regard to the interference relating to infringement of privileges, rights or franchises granted to the Sandwich, Windsor and Amherstburg Railway by the corporation, and such agreement when so approved shall also be executed under the corporate seal by the mayor and city clerk of the corporation.

40. This franchise is granted subject to all other franchises heretofore given.

Passed this sixth day of June, 1904.

(Signed) J. W. DRAKE,
Mayor.

(Seal).

(Signed) STEPHEN LUSTED,
Clerk.

SCHEDULE "D."

This agreement made the 16th day of September, 1904. Between: Ontario Traction Company, Limited, hereinafter called "the Traction Company" of the one part, and the Windsor & Tecumseh Electric Railway Company, hereinafter called the Windsor Company" of the other part.

Whereas the Municipal Corporations of the City of Windsor, the Town of Walkerville and the Township of Sandwich East, by their respective by-laws numbers 1,121, 273 and 384 passed in the year 1904, have granted to the traction company certain rights and franchises therein more particularly set forth;

And whereas it has been agreed, subject to the consent thereto of the said municipalities that the said rights and franchises shall be assigned to, exercised and enjoyed by the Windsor company;

Now this indenture witnesseth as follows:

1. The traction company hereby assigns and transfers to the Windsor company all those the said rights and franchises, and all benefits and advantages to be had or derived under or by virtue of the said by-laws; in consideration for which the Windsor company hereby undertakes to reimburse and indemnify the traction

company

company for all moneys heretofore paid out by the traction company, and to assume and be liable for and discharge, observe and perform all debts, obligations, contracts and duties of the traction company.

2. This agreement is made subject to the consent thereto of the said municipalities, and shall be deemed to date and take effect from the date of such consent.

In witness whereof the parties hereto have duly executed these presents.

(Sgd.) C. M. WALKER,
President.
" J. H. COBURN,
Secretary.
" C. M. WALKER,
President.
" J. H. COBURN,
Secretary.

(Seal)

CHAPTER 112.

An Act respecting the Eastern and Western Land Corporation, Limited.

Assented to 25th May, 1905.

Preamble.

WHEREAS by Letters Patent under the Great Seal of the Province of Ontario dated the 9th day of April, 1902, The Eastern and Western Land Corporation, Limited, was duly incorporated ; and whereas by its petition the said company has prayed that it may be authorized to accept payment of the price of any of the company's lands sold to any shareholder by the transfer of fully paid up shares of the company to be transferred or surrendered to the company by such shareholder; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Directors authorized to accept shares in payment of lands sold to shareholder.

1. The Board of Directors may in their option accept payment of the price of any of the company's lands, sold to any shareholder (not being a director or one who has been a director of the said company at any time during twelve months prior to such sale) by the transfer of shares of the company to be transferred or surrendered to the company by such shareholder; provided that in no case shall an amount exceeding the par or nominal value of any share be transferred in land to any shareholder in respect of such share; and provided that no contract between the company and the shareholder for the sale of land to such shareholder shall be entered into or shall be binding upon such shareholder unless and until the shares of such shareholder shall first have been fully paid up.

Certificate to be transferred to Company and cancelled.

2. The certificate for every share, which shall, under the provisions of this Act, be transferred to the company

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in payment of the price of land or in exchange for land, shall be delivered to the company and shall forthwith be cancelled, and the name of the holder thereof and the denoting number of shares shall be expunged from the register of shareholders; and no holder of such shares shall thereafter have in respect thereof any right or interest in the company or in any of the lands or other property thereof, or be entitled to receive any interest or dividend or capital for or in respect of such shares.

Reduction of capital on cancellation of shares.

3. The capital of the company shall from time to time be and be deemed to be reduced by the nominal value of the shares cancelled in accordance with the provisions of this Act, and the auditors of the company shall, in the certificates applicable to each yearly account and balance sheet of the company's affairs, state and certify the total nominal amount of the shares so cancelled during the year to which such account and balance sheet are applicable and the amount remaining uncancelled.

Directors to pass by-law declaring number and par value of shares transferred or cancelled.

4. Shares transferred or surrendered to the company as authorized by section 1 shall be cancelled, and for that purpose the directors of the company shall pass a by-law declaring the number and par value of the shares so transferred or cancelled, and upon petition by the company to the Lieutenant-Governor through the Provincial Secretary, supplementary letters patent may be issued confirming the said by-law, and notice thereof shall be forthwith given by the Provincial Secretary in *The Ontario Gazette*, and thereupon, from the date of the said supplementary letters patent, the capital stock of the company shall be and remain decreased to or by the amount set forth in such by-law and supplementary letters patent.

CHAPTER

CHAPTER 113.

An Act respecting the Hermina Mining Company, Limited.

Assented to 12th May, 1905.

Preamble.

Rev. Stat. c.191. Rev. Stat. c.197.

WHEREAS the Hermina Mining Company, Limited, was incorporated under the provisions of *The Ontario Companies Act* and *The Ontario Mining Companies Incorporation Act* by letters patent under the great seal, bearing date the seventeenth day of June, 1903, with the rights, powers and privileges in the said letters patent mentioned; and whereas the said company desires to have its incorporation confirmed, and to have its powers increased and added to, and has, by its petition, prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation confirmed.

1. The incorporation of the Hermina Mining Company, Limited, on the 17th day of June, 1903, by letters patent set out in the schedule to this Act, is confirmed and declared to be legal and valid, and the said company is declared to be a body corporate and politic, duly incorporated under the provisions of *The Ontario Companies Act*, and subject to the provisions of *The Ontario Mining Companies Incorporation Act*, with the rights, powers and privileges in the said letters patent of incorporation, except in so far as the same are hereinafter varied, limited or extended.

Rev. Stat. c. 191. Rev. Stat. c. 197.

Authority to construct a railway from Lake Huron to mines.

2. In addition to all other rights, powers and privileges conferred on the said company by said letters patent of incorporation and by *The Ontario Companies Act* and *The Ontario Mining Companies Incorporation Act* and amendments thereto, the said company may, for the purposes of the undertaking, construct, maintain and operate a line of railway

railway from a point on Lake Huron at or near where the western boundary of the Township of Salter extended southerly intersects the shore of Lake Huron, thence northerly a distance of about nine miles to The Hermina Copper Mine, in the Township of Salter, in the District of Algoma, and thence northerly to a point on the Sauble River, in the Township of Tennyson, in the District of Algoma, in the Province of Ontario, and may take any land required for right of way and stations at a fair valuation, under the provisions of Sections 13 to 20, inclusive, of *The Railway Act of Ontario* in that behalf, headed "lands and their valuation," which shall apply to such proprietors, and may construct and operate spur lines, not exceeding six miles in length, as are necessary to connect the said line of railway with any mine or mines or with the line of any other railway company. Rev. Stat. c. 207.

3. The capital stock of the said company is hereby re- Capital stock. divided into 200,000 shares of $12.50 each, and the company may issue to each shareholder one share of the par value of $12.50 each for each share of original stock of the par value of $5.00 each, held by such shareholder, but each share of $12.50 shall be subject to calls or assessments thereon, which, together, shall not aggregate a greater sum than $4.50 per share, and which calls or assessments may be made from time to time as may be provided by by-law passed from time to time by the directors of the company, and in the event of default being made in the payment of any such calls or assessments by any shareholder, then such shares held by such shareholder so in default may be sold and disposed of in accordance with the provisions contained in subsections 4 and 5 of section 5 of *The Ontario Mining Companies Incorporation Act*. Rev. Stat. c. 197.

CANADA.

PROVINCE OF ONTARIO.

WM. MORTIMER CLARK.

Edward the Seventh by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India. To all to whom these presents shall come, J. M. Gibson, Attorney-General.

Greeting.

Whereas the Ontario Companies Act provides that with the exceptions therein mentioned the Lieutenant-Governor of Our Province of Ontario in Council may by Letters Patent under the Great Seal create and constitute bodies corporate and politic for any of the purposes or objects to which the legislative authority of the Legislature of Ontario extends.

And

And whereas by their petition in that behalf the persons herein mentioned have prayed for a charter constituting them a body corporate and politic for the due carrying out of the undertaking hereinafter set forth.

And whereas it has been made to appear to the satisfaction of our Lieutenant-Governor in Council that the said persons have complied with the conditions precedent to the grant of the desired charter and that the said undertaking is within the scope of the said Act.

Now therefore know ye that by and with the advice of the executive council of our Province of Ontario and under the authority of the hereinbefore in part recited statute and of any other power or authority whatsoever in us vested in this behalf.

We do by these our royal Letters Patent hereby create and constitute the persons hereinafter named that is to say:—

Joseph Hermann, Jeweller, Harry Appleton, Clergyman, John Angus McPhail and Louis Sibilsky, Merchants, and Oscar John Larson, Attorney-at-Law, all of the Township of Calumet, in the State of Michigan, one of the United States of America, and Peter Primeau, Real Estate Broker, John Swinton Wilson, Explorer, and William Henry Green, Esquire, all of the City of Marquette, in the said State of Michigan and any others who have become subscribers to the memorandum of agreement of the company and their successors respectively a corporation for the purposes and objects following that is to say: Subject to the provisions of *The Ontario Mining Companies Incorporation Act* and with all the powers mentioned in section four of the said Act to carry on in all their branches the operations of a mining, milling, reduction and development company.

The corporate name of the company to be The Hermina Mining Company, Limited.

The share capital of the company to be two million five hundred thousand dollars divided into five hundred thousand shares of five dollars each.

The head office of the company to be at the Town of Sault Ste. Marie, in the District of Algoma and Province of Ontario and the provisional directors of the company to be Joseph Hermann, Peter Primeau, Harry Appleton, Oscar John Larson, William Henry Green, John Angus McPhail and Louis Sibilsky hereinbefore mentioned.

And subject to the provisions of the said *The Ontario Mining Companies Incorporation Act* we ordain and declare that no liability in excess of the amount actually paid or agreed to be paid to the company for shares therein shall attach to any holder of such shares.

And we hereby authorize the company to hold its meetings without the Province of Ontario.

In testimony whereof we have caused these our letters to be made patent and the great seal of our Province of Ontario to be hereunto affixed.

Witness: His Honour William Mortimer Clark, &c., &., &c., Lieutenant-Governor of our Province of Ontario, at our Government House, in our City of Toronto, in our said Province this seventeenth day of June, in the year of our Lord one thousand nine hundred and three and in the third year of our reign.

By command

(Sgd.) G. E. LUMSDEN,
Asst. Provincial Secretary.

CHAPTER

CHAPTER 114.

An Act to amend the Act incorporating the Industrial Exhibition Association of Toronto.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Industrial Exhibition Association of Toronto has by its petition represented that by its Act of Incorporation passed in the 42nd year of the reign of Her late Majesty Queen Victoria and chaptered 81 as amended by an Act passed in the 61st year of the reign of Her Late Majesty and chaptered 54, and by an Act passed in the 2nd year of the reign of His Majesty King Edward VII. and chaptered 65, it was provided that its membership should consist of representatives from certain corporations, associations or bodies therein named; and from such other corporations associations, organizations or societies not named therein as might from time to time be appointed in the manner therein provided, and that a number of the said corporations, associations or bodies are now no longer in existence or have no material interest in the said Exhibition Association and that it is desirable that the same should no longer have representation or as large representation in the membership of the said Association and that instead thereof there should be added to the said membership representatives from such societies and associations as are actively engaged in the encouragement of Canada's manufacturing, agricultural and horticultural industries; and that doubts have arisen as to the powers of the said Association with respect to contracts for purposes of amusement or entertainment; and whereas the said Association has prayed that an Act may be passed for the purpose of establishing its membership upon the lines aforesaid and for changing the mode of election of Directors and for removing doubts as to its powers as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

42 V., c. 81, s. 4, amended.

1. Section 4 of the Act passed in the forty-second year of the reign of Her Late Majesty Queen Victoria, and chaptered

tered 81, intituled *An Act to incorporate the Industrial Exhibition Association of Toronto*, as amended by 61 Victoria chapter 54, section 2, and by 2 Edward VII., chapter 65, section 1, is repealed and the following substituted therefor:—

Members of Association.

"4.—(1). The membership of the Industrial Exhibition Association shall be divided into three sections as follows:—

(*a*) The City Council.
(*b*) Manufacturers, Liberal Arts and Miscellaneous; and
(*c*) Agricultural.

(2) The City Council section shall consist of the Mayor and Members of the Council of the City of Toronto, the City Treasurer, the Park Commissioner and the City Clerk.

(3) The Manufacturers, Liberal Arts and Miscellaneous section shall consist of twelve representatives from the Canadian Manufacturers Association, five representatives from the Board of Trade of the City of Toronto, two representatives from each of the following bodies:—The Ontario Society of Artists, The Canadian Press Association, The Retail Merchants Association of Canada, The Toronto District Labor Council, The Commercial Travellers Association of Canada, and one representative from each of the following bodies:—The Ontario Association of Architects, The Toronto License Holders Protective Association, The Board of Education of the City of Toronto, The Toronto Camera Club, and The Toronto Natural History Society; such representatives to be named and appointed by the said several bodies at their annual meeting for the election of officers.

(4) The Agricultural section shall consist of The Minister of Agriculture and the President of the Ontario Agricultural College; two members of the County Council of the County of York to be named and appointed by the said Council at the time of the appointment of the several standing committees thereof for the year; two members from each of the following bodies:—The Dominion Short Horn Association, Dominion Sheep Breeders' Association, Dominion Swine Breeders' Association, The Canadian Kennel Club, The Toronto Electoral District Agricultural Society, The Ontario Fruit Growers' Association and the Toronto Gardeners' and Florists' Association; one member from each of the following organizations:—The Canadian Horse Breeders' Association, Canadian Pony Society, Clydesdale Horse Association, Hackney Horse Society, The Harness, Hunter and Saddle Horse Society of Canada, Shire Horse Association, Toronto Driving Club, Ontario Veterinary Association, Ontario Jockey Club, Toronto Hunt Club, Aberdeen Angus Association, Canadian Ayrshire Breeders' Association, Canadian

Canadian Jersey Cattle Club, Dominion Cattle Breeders' Association, The Hereford Breeders' Association, The Holstein Friesian Association of Canada, The Dominion Live Stock Dealers Association The Poultry Breeders' Association of Toronto, The Canadian Pigeon Fanciers' Association, The Toronto Canary and Cage Bird Society, The Toronto Poultry Association, Western Ontario Poultry Association, Canadian Horticultural Association, The Toronto Horticultural Society, The Eastern Ontario Dairymen's Association, The Dairyman's Association of Western Ontario, and the Ontario Bee Keeper's Association; such representatives to be named and appointed by the said several bodies at their annual meeting for the election of officers.

(5) The representatives to the said three sections, together with such representatives from other bodies as the said Association may admit to membership as hereinafter provided shall constitute the said Industrial Exhibition Association of Toronto, and the said several persons and representatives named or hereafter to be admitted under the provisions shall be the members of the said Industrial Exhibition Association of Toronto.

(6) The said Association may by by-law passed at any annual or other general meeting thereof admit to membership in the said Association such number of representatives of other bodies or such other persons as they may, upon the recommendation of the Board of Directors, see fit, and may assign the same to one or other of the sections lettered (*b*) and (*c*) in section 4 of this Act; and the said Association may by by-law passed as aforesaid cancel the membership of any body or organization or of any person, but such by-law shall have no force or effect until approved of by the Lieutenant-Governor in Council."

2. Section 9 of the said Act, as amended by 2 Edward VII., chapter 65, section 2, is repealed and the following substituted therefor:— 42 V., c. 81, s. 9, amended.

"9.—(1). The Board of Directors shall consist of twenty-five persons as follows:—The Minister of Agriculture, eight representatives from the City Council, viz., the Mayor, and seven members of the Council to be named and appointed at its inaugural meeting each year; and eight representatives from each of the sections lettered (*b*) and (*c*) in section 4 of this Act to be elected by ballot by a plurality of the votes of the members of the Association present in person and voting. Directors.

(2) The Directors so chosen shall, within one week thereafter at a meeting called for that purpose elect one of their own number to be President, and two others of them to be Vice-Presidents, which President, Vice-Presidents and Directors shall continue in office for one year and until others shall be

be chosen to fill their places as may be provided for by the by-laws of the said Association; and if any vacancy shall at any time happen by death, resignation or otherwise in the office of President, Vice-President or Directors, the remaining Directors shall supply such vacancy by the appointment of some member of the Association for the remainder of the year; and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors or such other day as may be fixed by by-law as hereinafter provided and mentioned."

42 V., c. 81, s. 2 amended.

Entertainments.

3. Section 2 of the said Act is amended by adding after the word "Act" in the seventeenth line of the said section the words "and also to provide entertainment or amusement to "persons visiting its exhibitions by means of music, shows or "other attractions and to enter into contracts for such purposes "and to allot space for such shows or attractions and to dispose "of any contracts for such music, shows or attractions which "may not be completed at the close of any exhibition." All contracts for such purposes heretofore entered into by the said association are hereby declared to be valid and binding upon the parties thereto save and except any contracts concerning which litigation is now pending.

CHAPTER 115.

An Act respecting the Nepigon Mining Lands Company.

Assented to 12th May, 1905.

Preamble.

WHEREAS the Nepigon Mining Lands Company, hereinafter called the "Company," has by its petition prayed that it be enacted as hereinafter set forth, and has represented among other things by its said petition that its assets consist principally of mining lands in the Province of Ontario that it has an indebtedness of about $50,000; that it at present has no funds to carry on active operations or development work; that the borrowing of further money under the circumstances would probably result in extinguishing the interest of the shareholders; that the total number of shares issued by the Company is 3,791 shares, and has further represented that at a special general meeting of the shareholders of the Company, at which 3,380 shares were represented, the holders of 3,364 shares approved of the proposed legislation; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Company authorized to issue land scrip certificates to par value of shares outstanding.

1. The Company may issue land scrip certificates in amounts of one hundred dollars, or multiples of one hundred dollars, to an amount not exceeding the par value of the shares issued and outstanding, in such form, with such rights privileges and remedies, and with such provisions as to issue, price, use, and redemption as may be determined and prescribed by by-laws passed by the directors; such by-laws to form the basis of any issue which may be made by the Company, and a certified copy of such by-laws authenticated by the seal of the Company to be deposited in the office of the Provincial Secretary.

Assent of shareholders required.

(a) The powers by this section conferred upon the Company shall not be exercised unless sanctioned by two-thirds of the votes of the shareholders at a special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company are present in person or by proxy.

Land scrip certificates to be first charge upon property of Company.

2. The land scrip certificates hereby authorized to be issued, when created and issued shall, subject to all prior charges then existing, be taken and considered to be a first preferential claim and charge upon such of the property of the Company as is described or specified in the said by-laws.

Holder of to be deemed a mortgagee.

(a) Each holder of the said land scrip certificates shall be deemed to be a mortgagee upon the property of the Company pro rata with all the other holders, and no proceedings shall be taken to enforce payment of the land scrip certificates except in accordance with the provisions of the said by-laws.

Shareholders and directors authorized to purchase certificates.

3. Any shareholder, director or officer of the Company may purchase, hold and dispose of any land scrip certificates issued as aforesaid.

Company not to part with certificates until $50,000 subscribed.

4. The Company shall not deliver or part with the control of any land scrip certificates until the aggregate amount of $50,000 has been subscribed and paid in respect of the purchase of such land scrip certificates.

Monies received from sale of land scrip to be deposited in chartered bank

5. Moneys received by the Company in respect of the purchase of land scrip certificates shall, from time to time, be deposited to the credit of the Company in a chartered bank in Canada to be designated by the directors, and until the aggregate of the moneys so deposited amounts to $50,000 such moneys shall be chargeable with a trust in the hands of the Company to be returned by the Company to the respective persons who have paid same in or who are entitled thereto in the event of the said sum of $50,000 not being received by the Company within such time as may be fixed by the said by-laws.

Application of fund of $50,000

6. When the aggregate sum of $50,000 has been received and deposited as provided for in section five, such moneys shall be applied by the Company towards the payment of outstanding liabilities, and the surplus, if any, shall be available for general purposes.

Lands charged with scrip certificates to be advertised for sale by public auction, etc.

7. The Company shall advertise the lands upon which the land scrip certificates are a charge for sale by public auction, subject to reserved bids to be fixed by the directors, and any holder of land scrip certificates may purchase any of the Company's lands.

(a) Any lands which may not be sold at any such auction sale may be sold and conveyed by the Company by private sale at a price not less than that which may be fixed by the said by-laws, and the holders of land scrip certificates may become the purchasers thereof.

(b) Any holder of land scrip certificates shall be entitled in making settlement for or payment of the purchase money, either at public auction or private sale, to turn in as such purchase money, or as part thereof, any of the land scrip certificates issued by the Company at the par value thereof, provided one share of the capital stock of the Company be transferred to the Treasurer of the Company for cancellation for each one hundred dollars of land scrip certificates so turned in.

Certificates redeemed by company to be cancelled.

8. Land scrip certificates redeemed by the Company shall be cancelled and cease to be a claim and charge upon the Company and its property, and the preferential claim and charge created in and by section two shall cease to apply to any properties sold or conveyed as authorized by section 7 and such property shall be absolutely freed therefrom.

Powers of trustees of mortgage deed securing bonds as to lands in mortgage, etc.

9. The trustees of the mortgage deed, bearing date the first day of November, 1901, securing bonds issued by the Company may discharge from the operation of such mortgage deed any parcels of land comprised therein upon payment of the purchase money therefor as authorized by this Act. The bonds secured by such mortgage deed may be cancelled by the Company at any time after their surrender to the Company by the holders thereof, and thereupon the trustees may, upon evidence of the cancellation of the whole issue of bonds, reconvey the mortgaged premises.

Shares transferred to treasurer of company to be cancelled.

10. Shares transferred to the Treasurer of the Company as authorized by section 7 shall be cancelled, and that purpose the directors of the Company are authorized to pass a by-law declaring the number and par value of the shares so transferred, and upon petition by the Company to the Lieutenant-Governor, through the Provincial Secretary, supplementary letters patent be issued confirming the said by-law, and notice thereof shall forthwith

be

be given by the Company in *The Ontario Gazette*, and thereupon from the date of the supplementary letters patent, the capital stock of the Company shall be and remain decreased to or by the amount set forth in such by-law and supplementary letters patent.

Act to be binding on shareholders.

11. This Act and the arrangements authorized hereby and every matter or thing done hereunder shall be valid and binding upon the Company and all its shareholders and upon any holders of trust certificates who have not exchanged their trust certificates for shares in the Company pursuant to the provisions in that behalf contained in the special Act incorporating the Company.

CHAPTER

CHAPTER 116.

An Act to incorporate The Ontario Telephone Company, Limited.

Assented to 25th May, 1905.

Preamble.

WHEREAS Norman Andrews, of the City of Brantford, in the County of Brant, Gentleman; John Muir, of the same place, Manufacturer; Thomas Elliott, of the same place, Contractor; Robert Ryerson, of the same place, Wholesale Merchant; and Willoughby Staples Brewster, of the same place, Barrister-at-Law, have, by their petition, prayed to be incorporated under the name of "The Ontario Telephone Company, Limited," for the purpose of carrying on a telephone company with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Norman Andrews, John Muir, Thomas Elliott, Robert E. Ryerson, and Willoughby Staples Brewster, and such other persons, firms and corporations as shall hereafter become shareholders in the said Company, are hereby constituted a body corporate and politic under the name of "The Ontario Telephone Company, Limited."

Powers of Company.

2. The said Company is hereby authorized and empowered to manufacture, sell or lease telephones and other appliances connected therewith, and any other instruments or apparatus in connection with the business of a telephone company, and to acquire by purchase or otherwise the same and any rights or patents relating thereto; and to build, construct, erect, maintain, and operate or sell or let any lines or line, system or systems, for the transmission of messages by telephone in the Province of Ontario, and to make connection for the purpose of telephone business with

with the line or lines of any telephone company in the Province of Ontario; and to aid or advance money to build or work any such line or lines of any telephone company in the Province of Ontario

Carrying wires along roads, etc.

3. The said Company may construct, erect, maintain and operate a line or lines of telephone along the sides of or across or under any public highways, roads, streets, bridges, water-courses or other places; subject, however, to the consent to be first had and obtained, and to the control of the Municipal Councils having jurisdiction in the municipalities in which the Company's lines may be constructed and operated, and to such terms, for such times, and at such rates and charges as by such councils shall be granted, limited, and fixed for such purposes respectively: Provided, however:—

Proviso.

(*a*) That the Company shall not interfere with the public right of travelling on or using such highways, roads, streets, bridges, waters or water-courses;

(*b*) That the Company shall not erect, permit, or continue any pole higher than forty feet above the surface of any highway, road, street, or bridge, or affix or continue any wire less than twenty-two feet above the surface of any highway, road, street, bridge, water, or water-courses;

(*c*) That the Company shall not erect, permit or continue any wire at a distance less than three feet from any other wire used or intended to be used for the purpose of conveying or conducting electricity or electrical power by any other person or company, including a telephone company;

(*d*) That the Company shall not erect, permit or continue any pole or line of poles along the same side of any street, road, highway or bridge as that on which any other poles are erected for the purpose of conveying or conducting electricity or electrical power by any other person or company, including a telephone company;

(*e*) That all poles of the Company shall be as nearly as possible straight and perpendicular, and shall be painted if so required by any by-law of a council having jurisdiction in the premises;

(*f*) That all poles of the Company within any township municipality shall be at least six inches in diameter at the top of the same and within all other municipalities shall be at least seven inches in diameter at the top of same;

(*g*) That the lines, plant, and work of the Company shall be constructed, maintained and operated in such manner as shall cause the least possible injury to, or interference with, (by induction or otherwise) the business and operation of any other telephone system or systems;

(*h*) That in any of its operations the Company or its workmen or servants shall not cut down, mutilate or injure any tree;

(*i*) That the opening of any highway, road or street by the Company, its workmen or servants, for the erection of poles or for carrying wires underground, shall be done under the direction and supervision of the Council Engineer, or such other officer as the council of the municipality in which the work is intended to be done, shall appoint for such purpose;

(*j*) That the surface of the highway, road or street, shall in all cases be restored to its former condition by and at the expense of the Company, and

(*k*) That when in case of fire it shall become necessary for its extinction that the telephone wires should be cut, the cutting under such circumstances of such wires under the direction of the Chief Engineer or other officer of the fire brigade, shall not entitle the Company to demand or claim compensation for damage that may be so incurred.

Acquiring other lines.

4. The said Company shall have power and authority to purchase or lease for any term of years any telephone line or system established or to be established in Ontario, and to amalgamate with or lease their line or lines, or any portion or portions thereof from time to time to any person, corporation, municipality or telephone company, upon such terms and in such manner as the Board of Directors may from time to time deem expedient or advisable, or to become a shareholder in any such corporation.

Capital stock.

5. The capital stock of the Company hereby incorporated shall be two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each, and the said capital stock may be increased from time to time, in the manner provided by and under and subject to the conditions prescribed by *The Ontario Companies Act.*

Provisional directors.

6. The persons named in the first section of this Act shall be the Provisional Directors of the Company, and shall have power and authority to open stock books and to procure subscriptions for shares in the capital stock of the Company, and to make calls upon subscribers.

First general meeting.

7. The Provisional Directors shall hold office until the first general meeting of the shareholders of the Company, after the passing of this Act, which said general meeting shall be held as soon as possible after fifty thousand dollars, at least, of the capital stock shall have been subscribed for and ten per cent. thereon shall have been paid. Notice of such meeting shall be given by registered letter addressed to each shareholder.

Directors, number of.

8. The Board of Directors of the said Company shall consist of not less than five, and not more than nine directors.

Head office.

9. The head office of the Company shall be at the City of Brantford.

Date of annual meeting.

10. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said Company.

Payments in stock or bonds.

11. The Provisional Directors, or the elected directors, may pay or agree to pay in paid-up stock or in the bonds of the said Company such sums as they may deem expedient, to engineers, or contractors, for material, plant, services or stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of material, plant, patents, or local franchises, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the Company.

Rights of aliens.

12. Aliens shall have equal rights with British subjects to take and hold stock and to vote, and shall be eligible to office in the Company.

Application of certain provisions of Rev. Stat. c. 191.

13. The several sections of *The Ontario Companies Act* numbered from 17 to 97, and from 103 to 106, inclusive, and of every Act in amendment thereof, shall be incorporated with and deemed part of this Act, and shall apply to the Company, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the said clauses of *The Ontario Companies Act* and of every Act in amendment thereof, so incorporated with this Act.

CHAPTER

CHAPTER 117.

An Act to incorporate the United Nickel Company of Canada.

Assented to 12th May, 1905.

Preamble.

WHEREAS William Henry Beatty, William George Gooderham and Edward James Lennox, all of the City of Toronto, and John Wallace Nesbitt and John Gordon Gauld, of the City of Hamilton, have by their petition prayed for an Act of incorporation under the name of "The United Nickel Company of Canada," for the purpose of acquiring the assets, property and rights of the Huronian Company, Limited, and of any other companies incorporated for mining, smelting, refining and similar purposes, and of carrying on the businesses which the said companies, respectively, are now authorized to carry on; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. William Henry Beatty, William George Gooderham and Edward James Lennox, all of the City of Toronto, and John Wallace Nesbitt and John Gordon Gauld, of the City of Hamilton, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The United Nickel Company of Canada."

Authority to purchase assets of Huronian Co.

2. The said company is hereby authorized to acquire by purchase the assets, property and rights of the said Huronian Company, Limited, and of any other companies incorporated for the purpose of mining, smelting, refining or any similar or cognate purpose and to pay for the same either in cash or in fully paid up shares of the capital stock of the said The United Nickel Company of Canada.

3.

Powers of Company as to purchase of minerals, mines and holding land, etc.

3. The company hereby incorporated is hereby invested with and shall be entitled to all the powers, privileges and rights as a corporation necessary for the purpose of acquiring by purchase or lease, or both, mines and minerals and working the same and also in like manner to acquire and hold all other real and personal property required for the convenient and proper carrying on of its business and to sell and dispose thereof from time to time. The said company is hereby further given and may hereafter exercise and enjoy powers, privileges, and rights similar in all respects to the powers, privileges and rights conferred upon the Huronian Company, Limited, by chapter 101 of the Acts passed by the Legislature of Ontario in the second year of the reign of His Majesty, King Edward the Seventh, but the powers conferred by sections 7, 8 and 9 of the said Statute shall not be exercisable by the company hereby incorporated until it has acquired the assets, property and rights of the Huronian Company, Limited.

Rev. Stat. c. 191.

Conditions and procedure on purchase of assets of Huronian Co.

4. Nine-tenths in value of the shareholders of the Huronian Company, Limited, or such person as nine-tenths in value of the shareholders of the Huronian Company, Limited, may in writing appoint to be their agent for the purpose, may agree with the company hereby incorporated upon a price to be paid in cash or stock for the assets, property and rights of the said the Huronian Company, Limited. Upon the said price being agreed upon, the company hereby incorporated may deliver to the Secretary for the time being of the Huronian Company, Limited, cash or stock to the amount agreed upon in trust for distribution by such Secretary among all the shareholders of the Huronian Company, Limited, in proportion to the amount of their respective holdings of the stock of the said the Huronian Company, Limited. Upon delivery of such cash or stock to such Secretary all the franchises, assets and property, real and personal rights and choses in action of the Huronian Company, Limited, in Ontario and all rights of action in respect thereof shall without the execution of any conveyance immediately vest in and belong to the company hereby incorporated for all the estate, right, title and interest of the Huronian Company, Limited, therein and thereto.

Conditions and procedure on purchase of assets of other companies.

5. And in like manner nine-tenths in value of the shareholders of any company incorporated for the purpose of mining, smelting, refining or any similar or cognate purpose

pose and having assets, property or rights within Ontario (hereinafter called "the selling company") or such person as nine-tenths in value of the shareholders of the selling company may in writing appoint to be their agent for the purpose, may agree with the company hereby incorporated upon a price to be paid in cash or stock for the assets, property and rights within Ontario of the selling company. Upon the said price being agreed upon, the company hereby incorporated may deliver to the Secretary for the time being of the selling company, cash or stock to the amount agreed upon in trust for distribution by such Secretary among all the shareholders of the selling company in proportion to the amount of their respective holdings of the stock of the said selling company. Upon delivery of the said cash or stock to such Secretary all the assets and property and rights and choses in action real and personal of the selling company within Ontario and all rights of action in respect thereof shall without the execution of any conveyance, immediately vest in and belong to the company hereby incorporated for all the estate, right, title and interest of the selling company therein and thereto.

Provisional directors.

6. The said William Henry Beatty, William George Gooderham and Edward James Lennox, John Wallace Nesbitt and John Gordon Gauld, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed by the shareholders.

Meetings of directors.

7. All meetings of directors shall be held at such place either within or without Ontario as the directors may by by-law appoint.

Annual meeting of shareholders.

8. The date and place of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

Capital stock.

9. The capital stock of the company shall be $700,000 divided into 7,000 shares of $100 each.

Head office.

10. The head office of the company shall be at the City of Toronto, in the Province of Ontario.

Powers of Company.

Rev.Stat. c. 197.

11. The company shall have and may exercise all the powers set forth in subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of section 4 of *The Ontario Mining Companies*

ies Incorporation Act, but save as aforesaid the said Act shall not apply to the Company hereby incorporated.

Power to purchase stock, debentures, etc., of other companies.

12. The company hereby incorporated shall have power to subscribe for and take and hold and at its pleasure dispose of shares or stock in and mortgages, debentures and other securities of any company or companies incorporated for mining, smelting, refining and similar purposes and, notwithstanding section 82 of *The Ontario Companies Act*, the powers conferred by this section and all other powers of purchasing stock in other corporations may be exercised by the directors subject only to such conditions or restrictions, if any, as may be prescribed by the by-laws of the company.

Rev. Stat. c.191.

Rights of bondholders and creditors of other Companies not affected by purchase of assets.

13. Neither the passing of this Act nor the acquisition by the company hereby incorporated of the assets and property within Ontario of the Huronian Company, Limited, or any other company shall in any way affect, increase or diminish the right of the bondholders or other creditors of the said companies whose assets, property and rights shall be so acquired, respectively, to obtain payment of their claims as they exist at the date of the passing of this Act out of the assets, property and rights of the company liable for such claims, and all liens upon the assets, property and rights of the companies, respectively, whose assets, property and rights shall be acquired by the company hereby incorporated shall be unimpaired by the transfer of such assets, property and rights to the company hereby incorporated, and all debts, contracts, liabilities and duties of the said companies, respectively in respect of their assets, property and rights within Ontario, shall, upon the acquisition by the Company hereby incorporated of such assets, property and rights, respectively, attach to and may be enforced against the company hereby incorporated to the same extent as if the said debts, contracts, liabilities and duties had been incurred, entered into or contracted by it.

Actions at law not affected by purchase of assets of another company.

14. No action or proceeding by or against a company whose assets, property and rights shall be acquired by the company hereby incorporated, shall abate or be affected by the acquisition of such company's assets, property or rights within Ontario by the company hereby incorporated, but upon the acquisition in the manner hereinbefore provided of the assets, property and rights of any company the company hereby incorporated may be substituted in any such action or proceeding for the company whose assets, property and rights it has acquired.

CHAPTER

CHAPTER 118.

An Act respecting the Windsor Gas Company, Limited.

Assented to 25th May, 1905.

Preamble

WHEREAS on the 24th day of October, 1904, the Windsor Gas Company, Limited, was incorporated by Letters Patent under the Great Seal of the Province of Ontario, with a capital stock of $200,000, divided into two thousand shares of $100 each, for the purpose of manufacturing and supplying gas to the City of Windsor, and the Town of Walkerville; and whereas the life of the said company is limited to a period of fifty years from the aforesaid date; and whereas the borrowing power of the said company is limited to the sum of $150,000; and whereas the said company has by petition represented that the said sum has been expended in the betterment, improvement and extension of its plant and property; and whereas the said company desires to extend its plant and operations into the Town of Sandwich; and whereas in providing the moneys necessary to make the original improvements and extensions to its plant, and in contemplation of the proposed extension and of further improvements required to the original plant, the said company issued its first mortgage bonds for the sum of $200,000, only $150,000 of which were agreed to be taken by the purchasers until authority to borrow to the full amount of the issue should have been obtained; and whereas the said company has prayed that its borrowing powers be increased to the sum of $310,000 in the whole and that such issue and mortgage security be confirmed, and to have its powers in that respect and otherwise further extended and enlarged as hereinafter mentioned; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1.

Windsor Gas Co. authorized to supply gas to town of Sandwich. Rev. Stat. c. 199

1. The Windsor Gas Company, Limited, is authorized and empowered, subject to the provisions of *The Act respecting Joint Stock Companies, for supplying Cities, Towns and Villiages with Gas and Water* with the consent of the Municipal Corporation of the Town of Sandwich first had and obtained, to manufacture and supply gas to and in the said Town of Sandwich, and the Letters Patent incorporating the said Company bearing date the twenty-fourth day of October, A.D. 1904, shall be read as if they originally contained a grant of such power and authority.

Limit of borrowing powers.

2. The said Company is hereby authorized and empowered to borrow under the provisions of the said Act, to a sum equal to the amount which in the aggregate separate Companies with similar objects, operating and carrying on business in the City of Windsor, and the Towns of Sandwich and Walkerville respectively, would be entitled to borrow under and by virtue of the said Act; provided that the amount actually borrowed and outstanding shall not at any time exceed $310,000 in the whole.

Issue of bonds for $200,000 confirmed.

3. The issue of the bonds of the said Company for Two hundred thousand dollars bearing date the first day of November, A.D. 1904, is authorized and confirmed and declared to be a good and valid issue of the bonds of the Company; and the mortgage securing the same is declared to be valid and binding and a first charge upon the plant, undertaking and property of the Company.

CHAPTER

CHAPTER 119.

An Act respecting Trinity Church, Cornwall.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Reverend Robert L. M. Houston, Rector, and James Strickland and John Sugden Esquires, Churchwardens of Trinity Church in the Town of Cornwall, have by their petition represented that lots numbers nineteen, twenty and twenty-one on the north side of Second Street, and lots numbers nineteen, twenty and twenty-one on the south side of Third Street in the said Town of Cornwall are vested in the said Reverend Robert L. M. Houston for the use and benefit of the parishioners and inhabitants of the said town, being members of The Church of England as by law established for a church and burial ground and in pursuance of the resolution passed at the special vestry meeting duly convened and held on the 23rd day of May, 1904, have prayed that an Act may be passed to enable them to mortgage the said lands and premises except lots twenty and twenty-one on the north side of Second Street on which are situate the church and burial grounds and the north ninety feet by the full depth of one hundred and seventy-six feet of lot number nineteen on the north side of Second Street on which is situate "Mountain Memorial Hall" for the purpose of raising a sum not exceeding $4,000 to complete a new rectory now being erected thereon and to pay for the removal and rebuilding of the west wing of the old rectory on another part of said lands and premises; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Power to mortgage rectory lands.

1. The Reverend Robert L. M. Houston, Rector, and James Strickland and John Sugden Esquires, Churchwardens

wardens of Trinity Church in the Town of Cornwall and their successors as such will have power in their own names to mortgage the following lands and premises namely: Lot number nineteen (except the north ninety feet by the full depth of one hundred and seventy-six feet) on the north side of Second Street, and lots number nineteen, twenty and twenty-one on the south side of Third Street in the Town of Cornwall in the County of Stormont and Province of Ontario, together with the rectory now being erected thereon; and on said mortgage to borrow a sum not exceeding $4,000 for the purpose of completing the said rectory and for paying the cost of the same and for the removal and rebuilding on the said lands of the west wing of the old rectory and to secure the repayment thereof with interest at such rate and at such time and times as may be agreed upon.

Power to renew mortgages from time to time.

2. It shall be lawful for the said Rector and Churchwardens and their successors as such, having been first authorized by a resolution of the vestry of said church, should occasion require from time to time and at all times hereafter to make new and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon said property or any part thereof, upon such terms and at such times as the said Rector and Churchwardens and their successors shall deem proper, provided that the whole mortgage debt upon that part of the said lands aforesaid shall not exceed at any one time the principal sum of four thousand dollars.

Mortgagee not bound to see to application of loans.

3. Any mortgagee or mortgagees advancing money upon the security of a mortgage upon the said lands and premises shall not be bound to see to its application by the borrowers.

CHAPTER

CHAPTER 120.

An Act respecting the Church of England Cemetery in the Town of Ingersoll.

Assented to 12th May, 1905.

Preamble.

WHEREAS the Rector and Wardens of St. James congregation of the Church of England in Canada in the Town of Ingersoll have by petition represented that that parcel of land in the said Town of Ingersoll in the County of Oxford being composed of part of lot number twenty in the broken front concession of the Township of West Oxford, commencing on the north side of Francis Street at the distance of eighty feet and four inches westerly from the south west angle of lot number five on the north side of Francis street as laid down on the registered map of the Town of Ingersoll, thence north thirty-five degrees and forty-five minutes west one chain and fifty-one links, thence south sixty-four degrees and fifteen minutes west fifty-six feet, thence north thirty-five degrees and forty-five minutes west, two chains and sixty-two links, thence south sixty-four degrees and fifteen minutes west one chain and forty-seven links, thence south forty-three degrees and twenty minutes east, four chains and forty-three links to the north side of Francis Street sixty-five feet and six inches more or less to the place of beginning, was purchased for the purpose of a burial ground for the said congregation; that the said land has, pursuant to a by-law of the said town, ceased for several years to be used for burial purposes and that arrangements have been made with the Ingersoll Rural CemeteryCompany for burial plots in the cemetery established in the said town by the said company; and whereas it is represented to be desirable that the said land should be closed as a cemetery and that the bodies of the dead therein should be removed therefrom and that the rector and wardens of the said congregation should be authorized to sell the said lands so used as a cemetery by the said congregation, and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Rector and churchwardens may sell cemetery lands.

1. It shall be lawful for the Rector and Wardens of St. James congregation of the Church of England in Canada in the Town of Ingersoll, after the removal as by this Act provided, of the bodies of the dead interred in the cemetery as aforesaid to lease, sell or convey in fee simple the whole or any part of the said lands upon such terms and conditions and for such prices as may be deemed best free and discharged of and from all claims and demands of any person or persons who may have purchased for burial purposes in said parcel of land or their representatives.

Removal of remains of the dead.

2. The said Rector and Wardens are hereby authorized forthwith after giving notice as hereinafter mentioned at their own expense to remove from said cemetery the remains of the dead therein interred to the Ingersoll Rural Cemetery at the sole cost of such Rector and Wardens and to re-erect any monuments or headstones erected in the said old cemetery at the time of such removal. Such removals and re-interments to be made so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased.

Notice to relatives.

3. The said rector and wardens shall, before removing the remains as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month publish a notice once in each week in two newspapers published in the said town, and in the *Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of said notice; and the said rector and wardens shall be required to pay all reasonable expenses incurred or sustained by the relatives in any removal of remains which shall take place after and in pursuance of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Power to take mortgages from purchasers.

4. Should the said rector and wardens sell the said lands or any part thereof and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the lands sold to them respectively, containing the ordinary and usual covenants and powers of sale, and

to

to enforce all such covenants and exercise such powers of sale in the ordinary and usual manner.

Certificate of county judges as to removal of remains.

5. It shall be the duty of the said rector and wardens to use care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage or sell as aforesaid; but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the County Judge of the County of Oxford for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same can be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office of the said county on the production thereof to the Registrar and the payment to him of one dollar as a fee for such registration.

CHAPTER 121.

An Act to incorporate the Roman Catholic Bishop of the Diocese of Sault Ste. Marie, in Ontario, Canada.

Assented to 25th May, 1905.

Preamble.

WHEREAS by an Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, intituled *An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese,* the then bishops and their successors in communion with the Church of Rome were declared to be each respectively a body corporate in his respective diocese under the name and with the authority, powers and privileges in the said Act set out; and by section 9 of the said Act it was enacted "that whenever it may be deemed expedient to erect any new diocese or dioceses in that part of the province formerly called Upper Canada, the bishop or bishops of such new diocese or dioceses and his or their successor or successors for the time being shall have the same powers as are by this Act conferred upon the Bishops of Kingston and Toronto respectively; and whereas by an Act passed in the forty-sixth year of the reign of Her late Majesty Queen Victoria, chaptered 65, intituled *An Act to incorporate the Roman Catholic Bishop of the Diocese of Peterborough, in Ontario, Canada,* after reciting that the new Diocese of Peterborough in communion with the Church of Rome had recently been erected in Ontario within the meaning of the said first recited Act, and that a portion of such new diocese had, prior to the same being so erected formed part of the said Diocese of Kingston; the then Bishop of the Diocese of Peterborough and his successor and successors being Bishop of the Diocese of Peterborough in communion with the Church of Rome was declared to be a body corporate in the said diocese under the name and with the authority, powers and privileges in said Act set out, and the real estate belonging to and used, held, occupied, possessed or enjoyed by the then bishop or the said Church in the said Diocese of Peterborough was declared to be vested in the said corporation thereby created; and

whereas

whereas the new Diocese of Sault Ste. Marie in communion with the Church of Rome has recently been erected in Ontario within the meaning of the said first recited Act, and the said new diocese prior to the same being so erected formed part of the said Diocese of Peterborough; and whereas the Right Reverend David Joseph Scollard, the Roman Catholic Bishop of the said Diocese of Sault Ste. Marie, has petitioned the Legislature to pass an Act incorporating the Roman Catholic Bishop of the Diocese of Sault Ste. Marie and his successor and successors, being bishop of the said diocese in communion with the Church of Rome with the authority, powers and privileges hereinafter in this Act set out, and it is expedient to grant the prayer of the said petition.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation

1. From and after the passing of this Act, the Right Reverend David Joseph Scollard, and his successor and successors, being the Bishop of the Diocese of Sault Ste. Marie in communion with the Church of Rome, shall be and are hereby declared to be a body corporate in the diocese aforesaid by and with the corporate name of "The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada."

Acquiring lands by deed or will for purposes of diocese and disposing of the same.

2. The said corporation is hereby enabled and empowered to acquire either by deed of conveyance or by will, any lands, tenements or hereditaments within the Province of Ontario, and to have, hold, possess and enjoy the same for the general uses and purposes eleemosynary, ecclesiastical or educational, of the said Diocese of Sault Ste. Marie, or of any portion thereof, with power to convey or alienate the same or any part thereof, in the manner hereinafter provided either by sale, exchange, mortgage, assignment, release, demise or other disposition thereof, for such estates or terms of years, either absolutely or conditionally as may be determined upon.

Lands, etc., vested in the corporation.

3. Subject to all existing rights of property therein and to all liens and incumbrances thereon the soil and freehold as well as the fee of all lands, tenements and hereditaments and of all burial grounds and churches, presbyteries, chapels, schools and hospitals situated in the Districts of Algoma, Thunder Bay and Manitoulin and the Islands of Georgian Bay, Lake Huron and Lake Superior and in that part of the District of Nipissing heretofore included in the said Diocese of Peterborough but now in the said Diocese of Sault Ste. Marie heretofore belonging to or vested in or used, held, occupied, possessed or enjoyed by the said Roman

Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada, and of all churches, chapels, schools and hospitals now being erected or to be hereafter erected in the said Diocese of Sault Ste. Marie in communion with the Church of Rome and all rights and equities in respect of the same shall be and are hereby declared to be vested in the said Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie for the general uses and purposes of the same; the Acts of Parliament commonly called the Statutes of Mortmain or any other acts, laws and uses to the contrary notwithstanding.

Devises to the corporation and registration of will containing

4. Any will containing a devise of any such lands, tenements or hereditaments, or of any interest therein, to or in favour of the said Corporation, shall be made and executed at least six months before the death of the person making the same, and shall be duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect; Provided always that in case the said corporation is disabled from registering any such will within the said time by reason of the contesting thereof, or by any other inevitable difficulty, without the wilful neglect or default of the said corporation, then the registration of said will within the space of twelve months next after an attainment by said corporation of such will or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this section.

Proviso.

Deed to be registered within twelve months from date of execution.

5. All deeds of any real estate made and executed by or in favour of the said corporation (except leases for a term not exceeding twenty-one years) shall be duly registered according to law within twelve calendar months after the making and execution thereof, otherwise the same shall be void and of no effect.

Transfer of lands held in trust.

6. It shall be lawful for any person in whose name any lands, tenements or hereditaments within Ontario are now, or shall, or may be hereafter vested in trust or otherwise for the benefit either of the said Bishop of the said Diocese of Sault Ste. Marie for the time being or of the said corporation, from time to time to convey, assign or transfer by deed all or any of the said lands, tenements or hereditaments, unto the said corporation for the general purposes and uses aforesaid as provided by this Act.

Borrowing powers.

7. The said corporation shall have power to borrow moneys on mortgage security of the real estate of said corporation for the purpose of purchasing real estate, for any of the purposes of the said corporaton, or for the purpose of erecting, finishing or repairing any church, chapel, school, hospital, charitable institution, seminary, or clergyman's

clergyman's residence, erected or to be erected, and for enlarging the same, or to pay off any debt which may have been or may be incurred by such corporation; and the person or persons or corporations from whom moneys shall be borrowed by the said corporation on any mortgage security shall not be obliged to see to the application of the said moneys or of any part thereof.

Lender not bound to see to application of purchase money.

8. The Bishop of the said Diocese for the time being is hereby enabled and authorized to execute all conveyances in the name of the said corporation; but it shall not be lawful for such Bishop to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole, or any part of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired by the said corporation under and by virtue of this Act, or the title to which is confirmed to said corporation by this Act, without the consent in writing of his Coadjutor or Vicar-General and one additional clergyman, to be selected or named by said Bishop for the time being; and in case there shall happen to be no Coadjutor or Vicar-General, or in case either of them shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two clergymen to be selected or named by the said Bishop, all such selections or nominations, and such consent to appear upon the face of the deed or other instrument executed by the parties, and such deed or other instrument to have the seal of the said Corporation affixed and to be attested by the hands of the said Bishop and Coadjutor or Vicar-General and one additional clergyman, or by two clergymen as aforesaid, as the case may be, which said Coadjutor or Vicar-General and one additional clergyman or two such other clergymen as aforesaid shall be parties to and sign and seal all such deeds, conveyances, mortgages, leases, assignments or other instruments as consenting parties thereto in the presence of two witnesses.

Conveyances to be executed by Bishop on behalf of the corporation with consent of two other functionaries.

9. A declaration on the face of the deed, mortgage, or other instrument that it has been executed by the persons and in the manner mentioned in the last preceding section is to be sufficient evidence of the matters therein referred to.

Declaration to be evidence of matters referred to.

10. Any statutory discharge of mortgage required to be given by the said corporation shall be valid and effectual if executed by the Bishop of the said Diocese for the time being and his Coadjutor or Vicar-General, with one additional clergyman or by two clergymen in the event of there being neither Coadjutor nor Vicar-General and with the seal of the said corporation affixed thereto, and no recitals shall be necessary therein or therefor.

Discharges of mortgages how executed.

When Coadjutor to act for Bishop, etc.

11. In case the Bishop for the time being of the said Diocese shall, from sickness, infirmity, or any other cause, become incapable or incapacitated to perform his duties in the said Diocese, then his Coadjutor or the person or persons administering the Diocese for the time being shall during such sickness, infirmity or incapacity, have the same powers as are by this Act conferred upon the said corporation or the said Bishop.

Rights of others not affected.

12. Nothing herein contained shall affect or be construed to affect in any manner or way the rights of any person or persons or of any body politic or corporate, except as hereinbefore mentioned and provided for.

Application of Rev. Stat. c. 1, s. 8, subs. 24.

13. For the purpose of avoiding doubt, it is hereby declared that all the powers described in sub-section twenty-five of section eight of *The Interpretation Act* in reference to corporations aggregate, shall be possessed by the corporation hereby created.

Form of conveyance.

14. For the purposes of the said corporation, deeds, or conveyances in the form and with the recitals as set out in Schedule A. hereunto annexed, or those in similar form or with similar recitals, may be used for the objects specified herein or intended hereby, or for any similar object.

CHAPTER 122.

An Act respecting the First Coloured Calvinistic Baptist Church in Toronto.

Assented to 25th May, 1905.

Preamble.

WHEREAS Robert Joseph Brooks, Henry Dabney, Henry Lewis, and Charles Carter, acting as trustees for the congregation of the First Coloured Calvinistic Baptist Church in Toronto, have entered into an agreement of sale of the lands more particularly described in the deed of which a copy is set out in Schedule "A" to this Act to Horatio Clarence Boultbee; and whereas said trustees have, in pursuance of said agreement, executed the said deed of the said lands conveying the said lands to the said Horatio Clarence Boultbee; and whereas the sale of the said lands and premises has already been authorized by this Legislature, and this sale to the said Horatio Clarence Boultbee has been unanimously approved by the congregation of the said First Coloured Calvinistic Baptist Church in Toronto at a general meeting of the members thereof duly called therefor; and whereas the said lands and premises were conveyed to trustees for the First Coloured Calvinistic Baptist Church by indenture of bargain and sale, dated the tenth day of February, 1845 and doubts have arisen as to the due succession of the trustees in the said trust, and as to the due appointment and continuance in office as such trustees of the said Robert Joseph Brooks, Henry Dabney, Henry Lewis and Charles Carter; and whereas it is desired by the said congregation and the said Robert Joseph Brooks, Henry Dabney, Henry Lewis and Charles Carter have, by their petition, prayed that such doubts should be removed, and that the power to sell and convey said lands to the said Horatio Clarence Boultbee notwithstanding the provisions of the said indenture of bargain and sale, dated the tenth day of February, 1845, and notwithstanding the

Rev. Stat., c. 307.

the provisions of *The Act respecting the Property of Religious Institutions*, and notwithstanding the provisions of *The Act to Provide for the Appointment of Trustees for the First Coloured Calvinistic Baptist Church of Toronto*, being Chapter 109 of the Acts passed in the thirty-fifth year of the reign of Her late Majesty Queen Victoria, and notwithstanding the provisions of *The Act respecting the First Coloured Calvinistic Baptist Church in Toronto*, being Chapter 111 of the Acts passed in the second year of the reign of His Majesty King Edward the Seventh, should be conferred upon the said Robert Joseph Brooks, Henry Dabney, Henry Lewis, and Charles Carter, and that the said lands should be vested in the said Horatio Clarence Boultbee, the purchaser thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Robert Joseph Brooks *et al* authorized to carry out agreement and to convey lands described in Sched. "A" to Horatio Clarence Boultbee.

1. The said Robert Joseph Brooks, Henry Dabney, Henry Lewis, and Charles Carter are hereby authorized and empowered to carry out the said agreement and to grant and convey the lands and premises more particularly described in the deed set out in Schedule "A" to this Act to Horatio Clarence Boultbee, of the City of Toronto, Gentleman, for the price or sum of eighteen thousand dollars forthwith notwithstanding the provisions of *The Act respecting the Property of Religious Institutions*, and notwithstanding the provisions of *The Act to Provide for the Appointment of Trustees for the First Coloured Calvinistic Baptist Church of Toronto*, being Chapter 109 of the Acts passed in the thirty-fifth year of the reign of Her late Majesty Queen Victoria, and notwithstanding the provisions of *The Act respecting the First Coloured Calvinistic Baptist Church in Toronto*, being Chapter 111 of the Acts passed in the second year of the reign of His Majesty King Edward the Seventh, and notwithstanding the provisions of the original indenture of bargain and sale, dated the tenth day of February, 1845, to trustees for the First Coloured Calvanistic Baptist Church in the City of Toronto, and that upon delivery of the deed of which a copy is set out in Schedule "A" hereto, the said lands and premises shall be vested in the said Horatio Clarence Boultbee, the purchaser thereof, in fee

Rev. Stat. c. 307.

simple

simple, and the said Horatio Clarence Boultbee shall hold the said lands and premises freed from all trusts created by the said indenture of bargain and sale, or by any Act or Acts of this Province, or by any Act in force in this Province, and said sale and conveyance to the said Horatio Clarence Boultbee is hereby ratified and confirmed.

Trusts upon which trustees to hold moneys not to be affected.

2. Nothing herein contained shall prejudice or affect the trusts and conditions upon which the trustees of the congregation of the First Coloured Calvinistic Baptist Church in Toronto shall receive and hold the purchase money and the proceeds of such sale, but said purchaser shall not be bound to see to the application or be responsible for the misapplication of the said purchase money.

SCHEDULE "A."

THIS INDENTURE made in duplicate the day of April, in the year of our Lord one thousand nine hundred and five.

In pursuance of the Act respecting short forms of conveyances between Robert Joseph Brooks, Henry Dabney, Henry Lewis and Charles Carter, all of the City of Toronto, in the County of York, trustees of the First Coloured Calvinistic Baptist Church of Toronto, of the first part, Horatio Clarence Boultbee of the same place, gentleman, of the second part, and the said Henry Lewis, chairman of the general meeting of the members of the congregation of the said First Coloured Calvinistic Baptist Church of Toronto held on the 10th day of April, 1905, of the third part.

Whereas the parties hereto of the first part are all of the trustees of the First Coloured Calvinistic Baptist Church of Toronto, and are the duly appointed successors in office of George Washington Smith, John Henry Jackson, Isaac Henry Lewis and William Lewis, trustees of the First Coloured Calvinistic Baptist Church of the City of Toronto, the said four last mentioned persons being the trustees of the First Coloured Calvinistic Baptist Church mentioned in a certain Act of the Parliament of the Province of Ontario passed in the second year of the reign of His Majesty King Edward the Seventh and Chaptered III, entitled "An Act respecting the First Coloured Calvinistic Baptist Church in Toronto."

And whereas the said parties hereto of the first part are also the duly appointed successors in office of William Henderson Edwoods, Newton Carey, William Henry Harris and Thomas Williams, being the trustees of the lands and premises hereinafter more particularly set out under and by virtue of a grant of the said lands from the Honorable Peter McGill to the said last mentioned trustees in trust for the First Coloured Calvinistic Baptist Church in the said City of Toronto, dated the tenth day of February, 1845, and of which a memorial is registered in the registry office for the said City of Toronto, Eastern Division, as instrument number 24222;

And whereas under and by virtue of the said Act passed in the second year of the reign of His Majesty King Edward the Seventh Chap. III, the trustees of the said First Coloured Calvinistic Baptist Church of Toronto were empowered to sell and dispose

pose of the said lands and premises upon the terms and conditions and in the manner set out in the said last mentioned statute;

And whereas this sale has been unanimously approved by the congregation of the said First Coloured Calvinistic Baptist Church of Toronto at a general meeting of the members hereof duly called for the purpose of considering this sale by notice given from the pulpit of the said church during divine service for two successive Sundays immediately preceding the said meeting;

And whereas the party hereto of the third part was the chairman of the said meeting and executes these presents for the purpose of testifying to the consent of such meeting to this sale;

Now therefore this indenture witnesseth that pursuant to all powers vested in them the said parties hereto of the first part and in consideration of the sum of eighteen thousand dollars of lawful money of Canada now paid by the said party of the second part to the said parties of the first part (the receipt whereof is hereby by them acknowledged) they the said parties of the first part do grant unto the said party of the second part in fee simple all and singular that certain parcel or tract of land and premises situate, lying and being on the northeast corner of Queen Street and Victoria Street in the City of Toronto, being composed of lot No. 2 as laid down on plan No. 22 A. filed in the registry office for the City of Toronto, Eastern Division.

To have and to hold unto the said party of the second part, his heirs, and assigns, to and for his and their sole and only use forever; subject nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

And the said parties of the first part covenant with the said party of the second part that they have done no act to encumber the said lands.

And the said parties of the first part release to the said party of the second part all their claims upon the said lands.

And the said Henry Lewis, the party hereto of the third part, chairman of the said general meeting of the said congregation executes these presents in order to testify to the consent of such meeting to this sale.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered after having been first read over and explained in the presence of

(Sgd.) M. PERKINS.

(Sgd.) ROBERT JOSEPH BROOKS (S)
" HENRY DABNEY "
" HENRY LEWIS "
his
" CHARLES X CARTER "
mark
" HENRY LEWIS "

County of York to Wit:

I, Marion Perkins, of the City of Toronto, in the County of York, stenographer, make oath and say:

1. That I was personally present and did see the within instrument and duplicate thereof duly signed, sealed and executed by Robert Joseph Brooks, Henry Dabney, Henry Lewis and Charles Carter

Carter therein named and by the said Henry Lewis in his capacity of chairman as in the within deed mentioned, five of the parties thereto.

2. That the said instrument and duplicate were executed at the City of Toronto.

3. That I know the said parties.

4. That I am a subscribing witness to the said instrument and duplicate.

Sworn before me at the City of Toronto, in the County of York, this 5th day of May, 1905.

(Sgd.) M. PERKINS.

(Sgd.) FRANK W. MACLEAN,
A Commissioner, etc.

CHAPTER

CHAPTER 123.

An Act respecting the Hospital and Home for the Friendless in Belleville.

Assented to 25th May, 1905.

Preamble.

WHEREAS The Women's Christian Association, of Belleville, and John Bell, James St. Charles, Charles N. Sulman and Daniel Falkener, Esquires, trustees of the Hospital and Home for the Friendless in Belleville, have, by their petition, represented that certain lots in the original survey of the Town of Belleville were set apart and reserved for the purpose of a public hospital; that the said lots were not suited for the said purpose; that under the authority of the Act passed in the 45th year of the reign of Her late Majesty Queen Victoria, chaptered 86, the said lots were sold and the proceeds applied towards payment of the purchase money of a site for a Hospital and Home for the Friendless selected and purchased by the said association; that the said hospital and home was constructed and completed and vested in trustees for the purposes of the said Hospital and Home for the Friendless, and for the purposes of the said association; that a certain mortgage for $4,000, made by the said association and the then trustees of the lands belonging to the said hospital and home, was confirmed by the Act passed in the 49th year of the reign of Her late Majesty Queen Victoria, chaptered 91; that the said mortgage has since been fully discharged and the lands freed from the payment thereof; and whereas the said petitioners have further represented that it is necessary at present to make improvements, repairs, alterations and additions to the said hospital and home and that from time to time it may be necessary to make further improvements, repairs, alterations and additions thereto and have prayed that an Act may be passed to enable them to borrow money by way of mortgage on the said lands for the purposes

poses aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Women's Christian Association and trustees of Home for Friendless in Belleville authorized to mortgage certain lands.

1. The Women's Christian Association, of Belleville, and John Bell, James St. Charles, Charles N. Sulman and Daniel Falkener, trustees of the Hospital and Home for the Friendless in the City of Belleville, and their successors in office as such, are authorized and empowered to mortgage in their own names the lands and premises belonging to the said Hospital and Home for the Friendless situate in the said City of Belleville, in the County of Hastings, and Province of Ontario, and being composed of part of the east half of lot number seven, and part of the broken front in front of the said east half of lot number seven, in the first concession of the Township of Thurlow, in the County of Hastings, and which part may be more particularly described as block "3" on the south side of the Kingston Road, on a plan made by Evans & Bolger, purporting to be a plan of the east half of said lot number seven, and which plan is registered in the registry office in and for the County of Hastings, on the 14th day of August, 1878, and which block contains four and one-fourth acres, more or less, and extends from the Kingston Road to the waters of the Bay of Quinte, together with all the woods, ways, waters, easements, rights and privileges, whatsoever in any wise belonging or appertaining thereto or to any part thereof," and on said mortgage to borrow a sum not exceeding $2,000 for the purpose of making such improvements, repairs, alterations and additions to the said hospital and home as are at present deemed necessary, and to secure the repayment thereof with interest at such rate and at such time or times as may be agreed upon.

Authority to borrow moneys on mortgage from time to time not exceeding $4,000.

2. The said association and the said trustees and their successors in office are further authorized and empowered to borrow from time to time and at all times hereafter by way of new mortgage or mortgages of the said lands a further sum or sums of money in order to make such improvements, repairs, alterations and additions to the said hospital and home as may be deemed necessary from time to time hereafter, or to pay off any mortgage or mortgages then existing on the said lands upon such terms as they may deem proper; provided that the total amount outstanding

outstanding upon the principal of the mortgage debt upon the said lands shall not, at any one time, exceed $4,000.

Mortgagee not bound to see to application of money.

3. Any mortgagee or mortgagees advancing money on the security of the said lands and premises shall not be bound to see to the application thereof by the borrowers.

CHAPTER 124.

An Act to incorporate the Young Women's Christian Association of London, Ontario.

Assented to 12th May, 1905.

Preamble. WHEREAS an Association under the name of the Young Women's Christian Association of London, Ontario, was incorporated on the eleventh day of January, 1905, under the provisions of chapter 211 of the Revised Statutes of Ontario, 1897, and intituled *An Act respecting Benevolent, Provident and other Societies*, and has since existed in the City of London, having for its object the spiritual, intellectual, social and physical development of young women, and is governed by a constitution and by-laws which have received the assent of the members of the said association; and whereas the said association has by petition prayed that the said incorporation may be confirmed as hereinafter provided, and its land and buildings in the City of London may be exempted from taxation except for local improvements, and that the powers of the said corporation may be otherwise defined and enlarged; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation confirmed. 1. The incorporation of the said association is confirmed, and the Young Women's Christian Association of London is declared to be a body corporate and politic and to have been duly incorporated under the provisions of the said *Act respecting Benevolent, Provident and other Societies* with the rights, powers and privileges in the said Act and the certificate of incorporation of the said association mentioned, and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies

Rev. Stat., c. 211.

legacies and bequests, and all titles, securities and instruments, and all rights, claims and liabilities in favour of or against The Young Women's Christian Association of London are declared to be vested in and shall enure to or against the Young Women's Christian Association of London as fully and effectually to all intents and purposes as if the said association had been incorporated by an Act of the Province of Ontario; and the said corporation shall have power to acquire and hold real estate in the City of London providing the annual value of the real estate so held and not actually used for the work of the said association shall not exceed at any one time $10,000 and the same or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed $5,000) by gift, devise or bequest, if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years and may within that time alienate or dispose of the same; and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or other municipal debentures or other approved securities, for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was required, his heirs and representatives.

Powers as to holding real estate.

Objects of incorporation.

2. The object of the said corporation shall be the spiritual, intellectual, social and physical development of young women by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasium and such other means as may from time to time be determined upon and the promotion of Christian work in the said city.

Constitution and by-laws.

3. The constitution and by-laws by which the association is now governed shall continue to be the constitution and by-laws of the said corporation; but they, or any of them may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Officers and members.

4. The officers and members of the board of directors of the association at the time of the passing of this Act shall be the officers and members of the board of directors of the

said

said corporation and shall retain their respective offices and positions until others shall be elected in their place.

Annual return.

5. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

Application of funds.

6. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

Management of real estate.

7. The real estate vested in the said corporation shall continue to be subject to existing incumbrances thereon, and shall be managed and controlled by a board of directors who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations unless the debt or obligation shall have been contracted with the consent of at least three-fourths of the members of the board of directors, expressed by resolution duly passed and recorded.

Directors.

8. The corporation may by by-law increase or decrease the number of directors and provide as to their qualification, mode of election, and the time for which they shall hold office.

Technical education.

9. The said corporation shall have power to establish a system of technical education, including such branches of science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

Exemption of buildings and site from taxation.

10. The buildings of the said association and the land whereon the same are erected or used therewith shall be exempted from taxation except as to local improvements as long as the same are so occupied and used for the purposes of the association.

Execution of contracts, making notes, cheques, etc.

11.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation in general

accordance

accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

CHAPTER

CHAPTER 125.

An Act to Incorporate the Directors of the School Sisters of Notre Dame.

Assented to 25th May, 1905.

Preamble. WHEREAS Sister Mary Caja Etzkorn, Berlin, Ont., Sister Mary Samsona Holtmeyer, St. Agatha, Ont., Sister Mary Evangelista Kinsky, New Germany, Ont., Sister Mary Paschalina Donahoe, Walkerton, Ont., and Sister Mary Genevieve Mousseau, Mildmay, Ont., have by their petition set forth that they are members of the Religious Order known as the School Sisters of Notre Dame, and have for many years carried on works and have conducted various institutions for the reception and instruction of orphans and the relief of the poor, sick and other necessitous persons and also works and institutions of education, and that they are now engaged in carrying on such charitable and educational work at various places in the Province of Ontario, and that with a view of extending their sphere of usefulness and to enable them to more efficiently carry on such works and institutions it is desirable that they should become incorporated and that powers should be conferred upon the corporation to hold such real estate as may be necessary for carrying out their undertakings; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation. 1. Sister Mary Caja Etzkorn, Sister Mary Samsona Holtmeyer, Sister Mary Evangelista Kinsky, Sister Mary Paschalina Donahoe, and Sister Mary Genevieve Mousseau and their successors to be appointed as hereinafter mentioned shall be and are hereby declared to be a body politic and

and corporate by the name of The Directors of the School Sisters of Notre Dame for the Province of Ontario.

Objects of incorporation.

2. The said corporation may carry on charitable and educational work in the Province of Ontario, and may erect, conduct and maintain such schools, hospitals, almshouses, and other educational and charitable institutions as may be provided for from time to time by the by-laws, rules and regulations of the corporation; and the said corporation may from time to time appoint all such teachers, attendants, nurses and other officers and servants of the corporation as may be deemed advisable.

Holding land for purposes of incorporation.

3. The said corporation may from time to time and at all times hereafter purchase, acquire, hold, possess and enjoy and may have, take and receive to them and their successors to and for the uses and purposes of the corporation, any lands, tenements, hereditaments and real and immovable property not exceeding on the whole at any one time an annual value of $25,000 situated within the Province of Ontario occupied, or hereafter to be occupied by the said corporation or any of its branches for the purposes thereof or any of them, and the same or any part thereof may sell, mortgage, lease, alienate or dispose of, and may purchase others in their stead for the same purposes.

Lands not required for purposes of corporation.

4. The said corporation may further acquire any other real estate within the Province of Ontario, or any interest therein, by purchase, gift, devise or bequest such real estate not exceeding at any one time the annual value of $10,000, and may hold such real estate or interest therein for a period of not more than seven years, and the same or any part or portion thereof, or any interest therein, which may not within the said period of seven years have been alienated or disposed of, or of which any sale thereof may not have been completed, shall on the expiration of the said seven years vest forthwith in the Accountant of the Supreme Court of Judicature for Ontario, and the High Court shall cause the same to be sold, or the sale completed, (as the case may be) with all reasonable speed by the corporation to proceed with the sale, or the completion of the sale of such land, and may provide by any such order or otherwise for the payment of the proceeds of the sale to the corporation and for the payment of the costs and expenses incurred thereby or otherwise in or connected with such sale and proceedings ; the proceeds of the property in this sub-section mentioned may be used for the purposes of the

the corporation and may be invested in the public securities of the Province, stocks of chartered banks, mortgages or other approved securities for the use of the corporation.

Personal property directed to be laid out in purchase of land.

5. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of the corporation shall, except as hereinafter provided, be held to or for the benefit of the corporation as though there had been no direction to lay it out in the purchase of land.

Order of High Court as to retention of acquisition of land.

6. The High Court, or a judge thereof sitting in chambers, if satisfied that land devised by will to or for the benefit of the corporation, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the corporation, and not as an investment, may by order sanction the retention or acquisition as the case may be, of such land.

Jurisdiction of Court, how to be exercised.

7. The jurisdiction of the High Court under this Act is to be exercised by a Judge in Chambers or otherwise, and may be exercised in a summary manner so as to avoid all unnecessary expense.

Board of Directors.

8. The affairs and business of the said corporation shall be managed by a Board of Directors composed of five persons, and the persons named in the preamble to this Act, shall be the first of the said Board and shall hold office subject to the provisions of the said Act.

Vacancies in said Board, how filled.

9. In case any member of the said board shall die or resign his office, or shall remove from the Province of Ontario, or be dismissed from office by a vote of a majority of the said board, the remaining members shall, at a meeting of the said board to be held within six months after such death, resignation, removal or dismissal elect some other person to fill the vacancy so created; and in case the said remaining members neglect to appoint some person to fill such vacancy then the Mother Superior of the Order of the School Sisters of Notre Dame of or at Milwaukee, Wis., may in writing over her hand and seal nominate and appoint a member of the said Order to fill such vacancy, provided that the neglect of the remaining members of the Board to fill any vacancy shall not render the acts or contracts of the said board invalid nor affect the rights, powers, privileges and obligations of the corporation so long as a quorum of the Board remain in office, and the acts of the

majority of the remaining members shall be valid and binding upon the corporation.

Power to manage and dispose of property.

10. The corporation may from time to time mortgage, lease, sell or otherwise dispose of the real and personal property of the corporation as the Board of Directors may deem proper, and every deed, mortgage, lease, conveyance, or other instrument made by the said corporation shall be duly executed by affixing thereto the corporate seal of the corporation at the hands of the president and procurator.

Property vested in corporation.

11. All the estate and property real and personal belonging to or hereafter to be acquired by the members of the said association as such and all debts, claims and rights whatsoever due to them in that quality shall be and are hereby vested in the corporation and the rules, orders and regulations now made or to be made for the management of the said corporation shall be and continue to be the rules, orders and regulations of the said corporation until altered or repealed in the manner herein provided.

CHAPTER 126.

An Act respecting the Young Men's Christian Association of Orillia.

Assented to 25th May, 1905.

Preamble. WHEREAS an association under the name of The Young Men's Christian Association, of Orillia, has existed for several years, having for its object the spiritual, mental and physical welfare of the young men of the Town of Orillia and surrounding municipalities, and the promotion of christian work in that town, and is governed by a constitution and by-laws which have received the assent of the members of the said association; and whereas the members of the said association have, by petition, prayed to be incorporated, and that the buildings, land and equipment of said association may be exempted from taxation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation. 1. Wm. Thomson, John Jas. Thompson, Wm. Sword Frost, Wm. Grant, George McKee, Thomas George King, James Foster Morris, Wm. Wilfred McBain, Thomas Buckingham Cramp, James Isaac Hart, Philo Kilburn Dayfoot, Wm. Martin Campbell, Edwin Russell Eaton, J. F. Lawson, John Northway, and such other persons as are now or shall hereafter become members of the said association, shall be, and they are hereby constituted a body politic and corporate, under the name of The Young Men's Christian Association, of Orillia, and shall have power to acquire and hold real estate in the Town of Orillia, or any leasehold or other interest therein, providing the annual value of the real estate so acquired or held and not actually used for the work of the said Association does not exceed

at

at any one time $10,000, and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require.

Not to trade in real estate.

2. Nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

Constitution and by-laws.

3. The constitution and by-laws of the association, being the constitution and by-laws adopted by the association prior to its incorporation, and under which the association has since been conducted, are and shall continue to be the constitution and by-laws of the said association, but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Membership.

4. The members of the association shall continue to be the members thereof, and the officers of the association shall continue to hold office in the manner provided by and subject to the constitution and by-laws of the association.

Directors.

5. The corporation may by by-law increase or decrease the number of directors and provide as to their qualification, mode of election, and the time for which they shall hold office.

Personal property vested in corporation.

6. The personal property of the association shall become the property of, and is hereby vested in the said corporation.

Object of corporation.

7. The object of the said corporation shall be the spiritual, mental, social and physical improvement of young men, by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, and such other means as may from time to time be determined upon.

Technical education.

8. The said corporation shall have power to establish a system of technical education, including such branches of science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

Exemption from taxation.

9. The buildings, lands and equipment of The Young Men's Christian Association, of Orillia, so long as occupied by and used for the purposes of the association, are declared

declared to be exempted from taxation, except for local improvements.

Contracts, negotiable instruments, etc.

10.—(1) Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer, or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any special by-law or special vote or order; nor shall the party so acting within his authority as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever in respect thereof.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

CHAPTER

CHAPTER 127.

An Act respecting The Stratford Young Men's Christian Association.

Assented to 12th May, 1905.

Preamble.

WHEREAS an Association under the name of The Stratford Young Men's Christian Association was incorporated on the 4th day of November, 1897, under the provisions of an Act intituled *An Act Respecting Benevolent, Provident and Other Societies,* being Chapter 172 of the Revised Statutes of Ontario, 1887, such association having for its object the mental, physical and spiritual welfare of the young men of the City of Stratford and surrounding municipalities,and being governed by a constitution and by-laws which have received the assent of and been accepted by the members of the said association; and whereas the said association has by petition prayed that the said incorporation may be confirmed as hereinafter provided, and its buildings and lands in the City of Stratford may be exempted from taxation and that the powers of the said corporation may be otherwise defined and enlarged; and whereas it is expedient to grant the prayer of the said petition :

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation confirmed.

1. The incorporation of the said Association is hereby confirmed, and The Stratford Young Men's Christian Association is declared to be a body corporate and politic and to have been on the Fourth day of November, 1897, duly incorporated under the provisions of the said *Act respecting Benevolent, Provident and other Societies,* with the rights, powers and privileges in the said Act mentioned, and in every manner subject to the provisions thereof except as hereinafter provided; and the said corporation shall have power to acquire and hold real estate in the City of Stratford, or any leasehold or other interest therein providing the annual value

value of the real estate so acquired or held and not actually used for the work of the said association does not exceed at any one time $10,000, and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require.

Not to trade in real estate.

2. Nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

Constitution and by-laws.

3. The constitution and by-laws of the Association being the constitution and by-laws adopted by the Association prior to its incorporation and under which the Association has since been conducted are declared to have been the constitution and by-laws of the Association since its incorporation and shall continue to be the constitution and by-laws of the said Association; but they, or any of them may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Membership.

4. The members of the Association shall continue to be the members thereof and the officers of the Association shall continue to hold office in the manner provided by and subject to the Constitution and By-laws of the Association.

Directors.

5. The corporation may by by-law increase or decrease the number of directors and provide as to their qualification, mode of election, and the time for which they shall hold office.

Technical education.

6. The said corporation shall have power to establish a system of technical education, including such branches of science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

Exemption of lands from taxation.

7. The buildings of The Stratford Young Men's Christian Association and the land whereon the same are erected and the lands of the Association adjoining are so long as occupied by and used for the purposes of the Association declared to be exempt from taxation, except for local improvements.

Contracts, negotiable instruments, etc.

8. (1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent,

agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any special by-law or special vote or order; nor shall the party so acting within his authority as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever in respect thereof.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

CHAPTER 128.

An Act respecting the Upper Canada Religious Tract and Book Society.

Assented to 25th May, 1905.

Preamble.

WHEREAS The Upper Canada Religious Tract and Book Society has, by its petition, set forth that the society was incorporated by Act of the late Province of Canada passed in the 18th year of the reign of Her late Majesty Queen Victoria, and Chaptered 230, for the purpose of disseminating religious tracts and books, and by such Act the society was empowered to acquire real and personal property, and by section 4 of that Act it was enacted that all property which should at any time belong to the society should be exclusively used for the aforesaid purpose; that under the said Act of Incorporation and the Act of the Province of Ontario amending the same passed in the 58th year of the reign of Her late Majesty Queen Victoria, and Chaptered 123, the society is carrying on the work for which it was incorporated as aforesaid; that in connection with such general work as aforesaid the society has for some length of time carried on and is now carrying on a religious and philanthropic work for the benefit of sailors residing at or entering various ports, and in particular is carrying on such work for the benefit of sailors at the Port of Kingston; that for the purpose of promoting such work for the benefit of sailors at the Port of Kingston certain real property in the City of Kingston known as the "Sailors' Snug Harbor" has recently been purchased by a number of individuals interested in carrying on such work, and it is desirable that the society should be enabled to acquire the said property and other property which may be intended for similar purposes, and to use the same for the benefit of sailors and others, and whereas the society has, by its petition, prayed for the passing of the enactment hereinafter contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Society authorized to carry on work for benefit of sailors.

1. Notwithstanding anything contained in the Act incorporating the said society or any Act amending the same, it shall be lawful for the said society to carry on its aforesaid work for the benefit of sailors and for such purpose to use the funds of the society, and also to use any property acquired by the society under its powers in promoting the material, moral and social welfare of sailors residing at or entering any port, and their families, and in carrying on the work of the society for the benefit of such sailors and such other work not conflicting therewith as may be undertaken by the society.

CHAPTER

CHAPTER 129.

An Act to authorize Horatio C. Crease to practise Dentistry.

Assented to 25th May, 1905.

Preamble.

WHEREAS Horatio C. Crease of the Town of Barrie, in the County of Simcoe, and Province of Ontario, hath by his petition set forth that he was employed in the offices of local dentists in the Town of Barrie aforesaid, and in the Town of Midland in the said county, in the years 1888, 1889, 1890, 1891 and 1892, as a student of dentistry, during which time, when not at college as hereinafter recited, he was engaged in actual practical work and some portions of which period he was entrusted with the entire management of his employers' offices and was left without the supervision of any duly qualified dentist, and, in particular, carried on a branch office in the said Town of Midland for his then employer whose headquarters were at the said Town of Barrie; that he attended the Philadelphia College of Dentistry during the requisite terms in the said years and graduated therefrom in 1893 and became entitled to practise in the United States and did practise at Niagara Falls, N. Y., for a period of two years; that he in the years of 1896-1897 matriculated at, and attended the Royal College of Dental Surgeons of Ontario as a senior student with a view of becoming licensed in the Province of Ontario, and complied with the regulations of said college in that respect but never passed the final examination required of students of senior class; that on the first day of May, 1901, he was duly admitted to practise in the Province of Prince Edward Island, but never availed himself of the privilege although entitled to do so; that ever since the year 1897 he has been actively working in the Town of Barrie under duly qualified dentists and is now doing their work; and the said Horatio C. Crease has prayed that a special Act may be passed authorizing him to practice dentistry in the County of Simcoe, in the Province of Ontario; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Horatio C. Crease authorized to practise dentistry in County of Simcoe.

1. It shall be lawful for and the said Horatio C. Crease is hereby authorized to practise dentistry in the County of Simcoe, in the Province of Ontario: provided that the said Horatio C. Crease shall be bound by the provisions of by-law No. 10 of the consolidated by-laws of the Royal College of Dental Surgeons of Ontario, set out as Schedule "A" to this Act, and all amendments made thereto from time to time as fully and to the same extent as if the said Horatio C. Crease was a licentiate of dental surgery, and the said Horatio C. Crease shall be liable to all the penalties provided by the said by-law No. 10, and all amendments made thereto from time to time.

SCHEDULE "A"

By-Law No. 10. For the Better Government of the Profession of Dentistry.

Sec. 1. The board shall have power to cancel or suspend the certificate of license of any licentiate of dental surgery who has been guilty of professional misconduct, or of conduct unbecoming a licentiate of dental surgery.

Sec. 2. Any complaint under the preceding section shall be in writing, and shall be left with the secretary of the board.

Sec. 3. At the next meeting of the board after the receipt of such complaint by the secretary, the board shall appoint a time and place for investigating the said complaint, and the secretary shall thereupon notify in writing the complainant and the party against whom the complaint has been made to appear at the time and place appointed for the investigation, with their witnessess; and the said board shall at the time and place appointed proceed with the investigation, and in the event of the board being satisfied that the person complained against has been guilty of professional misconduct, or conduct unbecoming a licentiate of dental surgery, the certificate of such licentiate shall thereupon be cancelled or suspended as the board may determine.

Sec. 4. The board shall have power to adjourn the investigation from time to time, and in case the parties, or any of them, fail to appear pursuant to notice of the time and place appointed, the board may proceed with such investigation in their absence.

Sec. 5. The board shall have power to compel production before it of all books and papers relating to the matter, and to compel the parties and their witnesses to give evidence concerning the matter under oath

CHAPTER

CHAPTER 130.

An Act respecting the Estate of the late William Henry Davis, deceased.

Assented to 25th May, 1905.

Preamble. WHEREAS William Henry Davis, in his liftime, of the City of Ottawa, in the County of Carleton, and Province of Ontario, died at the City of Montreal, in the Province of Quebec, on the 23rd day of March, A.D. 1905, leaving an unwitnessed holograph will executed at the said City of Montreal, in the Province of Quebec, in the following words, to wit:

MONTREAL, July 28th, 1902.

"All previous wills to be null and void. All my "goods and chattels, bonds, stocks, cash, properties, life "assurances and cetra to be held in trust for the benefit of "my wife, Caroline M. Davis, she to enjoy the income there- "of during her life. At her death the principal to be di- "vided equally between my two sons, Willie and Walter. "My two brothers with my wife to be guardians and execu- "tors."

"A sum of $5,000 to be paid M. P. Davis 30 days after "my death, to be paid out as he sees fit. No account to be "given of same."

W. H. DAVIS.

And whereas the said William Henry Davis, deceased, at the time of his death left him surviving his widow, Caroline Marie Davis, two children, William Davis and Walter Davis, both infants, under the age of twenty-one years; and two brothers, Michael Patrick Davis, of the City of Ottawa, in the County of Carleton, and Province of Ontario, contractor, and James Thomas Davis, of the City of Montreal, in the Province of Quebec, contractor; and whereas it appears that other than and except the said Caroline Marie Davis, William Davis and Walter

Walter Davis, no person or persons are interested in the estate of the late William Henry Davis; and whereas the said Caroline Marie Davis, Michael Patrick Davis and James Thomas Davis have, by their petition, set out that they desire that the estate of the late William Henry Davis be administered and disposed of in the manner hereinafter provided; and whereas the said Caroline Marie Davis consents to take a life interest only in the estate of the late William Henry Davis in lieu of the interest in the said estate which she would be entitled to under the laws of the Province of Ontario as the widow of the late William Henry Davis; and whereas it appears to be in the interest of the said William Davis and Walter Davis, the infant sons and only children of the late William Henry Davis, that the estate of the late William Henry Davis be administered and disposed of in the manner set forth in the said petition; and whereas the said William Davis, being twenty years of age, consents to the estate of the late William Henry Davis being so administered and disposed of; and whereas the official guardian on behalf of the said William Davis and Walter Davis approves of the said estate being so administered; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Administrators authorized to pay $5,000 to M. P. Davis.

1. It shall be lawful for the administrators of the estate of the said William Henry Davis to pay to M. P. Davis the sum of $5,000 out of the said estate, to be dealt with by him as he sees fit without any liability to account therefor.

Distribution of estate by administrators.

2. The said administrators shall pay the income of the residue of the said estate to Caroline Marie Davis, widow of the said William Henry Davis, during her lifetime, and upon her death shall divide the said estate equally between the said William Davis and Walter Davis, the sons of the said late William Henry Davis, and the said administrators shall stand and be possessed of all the real and personal estate whereof the said late William Henry Davis died possessed in trust, to apply the same and the proceeds thereof after paying the debts of the said deceased and his funeral and testamentary expenses in manner aforesaid instead of distributing the same as, according to law, the same would be distributed by them but for this Act.

CHAPTER

CHAPTER 131.

An Act to authorize the Law Society of Upper Canada to permit William Edgar Foster to practise as a Barrister and Solicitor.

Assented to 12th May, 1905.

Preamble. WHEREAS William Edgar Foster, Gentleman, has by his petition represented that having passed the necessary examinations, he was made a member of the Law Society of Upper Canada in Trinity Term 1888, and was articled to a solicitor of the Supreme Court of Judicature for Ontario; that he duly served under his articles and has since becoming a member of the said Law Society been continuously engaged in the office of the said solicitor in the legal business of the Grand Trunk Railway Company of Canada, and of other corporations and persons, and that the work entrusted to him in the office of the said solicitor has been so important and constant that it has been impossible for him to attend the lectures at the Law School or to present himself for the regular examinations of the Law Society of Upper Canada; that he has since the date of his admission to the Law Society of Upper Canada acquired such experience and knowledge as should entitle him to be called to the Bar and to be admitted as a solicitor of the Supreme Court of Judicature for Ontario; and whereas the said William Edgar Foster has petitioned that an Act may be passed to authorize the Law Society of Upper Canada to admit him to practise at the Bar of His Majesty's Courts in Ontario, and also to practise as a solicitor in the Supreme Court of Judicature; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Law Society authorized to

1. It shall and may be lawful for the Law Society of Upper

admit W. E. Foster to practise.

Upper Canada at any time hereafter to admit the said William Edgar Foster to practice at the Bar in His Majesty's Courts in Ontario, and to practice as a solicitor in the Supreme Court of Judicature for Ontario on his paying the proper fees in that behalf and on passing such examination as may be prescribed by the said society and without complying with any other requirements of the law or any other rules or regulations of the said society in that behalf.

CHAPTER

CHAPTER 132.

An Act to authorize John K. Hamilton to practice as a Veterinary Surgeon.

Assented to 25th May, 1905.

Preamble

WHEREAS John K. Hamilton, of the Village of Grand Valley, in the County of Dufferin, Gentleman, has, by his petition, represented that for twenty years past in the County of Dufferin and surrounding country he has performed all such operations and prescribed for and treated diseases of animals as a regularly licensed veterinary surgeon would do; that as a result of his long experience and his natural aptitude for the work he believes he has become as proficient and as well qualified to practise veterinary surgery as a regularly licensed veterinary surgeon, and that he has been more than ordinarily successful in his treatment of diseases of animals, and in all operations performed by him; that owing to his advancing age and to his being the main support of his family he has been unable, though desiring to do so, to attend any veterinary college in order to obtain a diploma authorizing him to practise under the title of veterinary surgeon; and whereas it has been shown that the said John K. Hamilton is otherwise a fit and proper person and from the peculiar circumstances of the case he should be authorized to practise as a veterinary surgeon; and whereas the said petitioner has prayed that an Act may be passed enabling and authorizing him to practise as a veterinary surgeon; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

John K. Hamilton authorized to practise as a Veterinary Surgeon.

1. It shall be lawful for the said John K. Hamilton and he is hereby authorized to practise as a veterinary surgeon, and to use the title of Veterinary Surgeon or any abbreviation thereof in the Province of Ontario,

and he shall be entitled to professional fees in attending any court of law as a witness in such cases as relate to the said profession in the same manner and to the same extent as a person possessing a diploma or proper certificate from any duly authorized veterinary college within or without this Province, as provided by *The Act respecting Veterinary Surgeons*.

CHAPTER

CHAPTER 133.

An Act to authorize James Bovell MacKenzie to practise as a Barrister and Solicitor.

Assented to 25th May, 1905.

Preamble.

WHEREAS James Bovell MacKenzie, of the City of Toronto, in the County of York, Gentleman, has by his petition represented that in the month of January, in the year 1881, he entered the office of Valentine MacKenzie, afterwards Queen's Counsel, a practising Solicitor at the City of Brantford, in the capacity of Clerk, and remained in such office for a period of between twelve and thirteen years, performing, during such time, all the duties ordinarily discharged by an articled clerk—framing pleadings, attending on motions in Chambers of the Local Judge and Judge's Chambers in Toronto, and drawing up briefs for trial—besides attending in Court with Counsel on the hearing of nearly every contested action, both at nisi prius and in term, there furnishing him with memoranda of the law and evidence connected therewith; that, on leaving such office, he came to Toronto and, from the time of his so doing until the present, has, practically overseen the department of Criminal Law in an office there having an extensive practice of that kind; that when he entered the office of Valentine MacKenzie, as before stated, he was suffering from a conditions of ill-health, subsisting up to the present time, which made it impossible for him, though desiring to join the profession, to pursue the close application required of a student-at-law in order to pass his examinations; and whereas it has been shown that the said James Bovell Mackenzie is otherwise a proper person to be admitted as a Solicitor; and whereas the said James Bovell MacKenzie has petitioned that an Act be passed to authorize the Supreme Court of Judicature for Ontario to admit him to practise in said Court as a solicitor and to sanction his call to the bar; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent

sent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Supreme Court of Judicature authorized to admit J. B. MacKenzie.

1. It shall and may be lawful for the Law Society of Upper Canada to authorize the said James Bovell MacKenzie to practise at the Ontario Bar, and to grant the said James Bovell MacKenzie such certificate as may enable him to be admitted to practise as a Solicitor in the Supreme Court of Judicature for Ontario, upon his paying the proper fees in that behalf, and passing such examination as may be prescribed by the rules of the said Law Society, without his compliance with any other requirement or provision of the law, or other rules and regulations of the said Law Society in that behalf, any law, custom or usage to the contrary notwithstanding.

CHAPTER 134.

An Act respecting the estate of the late The Honourable William E. Sanford.

Assented to 25th May, 1905.

Preamble.

WHEREAS the Honourable William E. Sanford, late of the City of Hamilton, in the County of Wentworth, Senator, deceased, by his last will and testament, dated the 27th day of May, 1898, and a codicil thereto dated the 7th day of March, 1899, did, subject to bequests of certain specific legacies in the said will and codicil mentioned, devise and bequeath the whole of his estate, both real and personal to his executors and trustees upon the trusts in the said will and codicil set out; and whereas at the time of the death of the said The Honourable William E. Sanford, a considerable portion of his said estate consisted of real estate and other property in the Province of Manitoba and the North West Territories of Canada; and whereas the said executors and trustees have by their petition set forth that it is to the advantage of the beneficiaries interested in the said trust estate that investments of the trust funds of the said estate may be continued and may be made in the Province of Manitoba and in the North West Territories of Canada; and whereas counsel on behalf of such of the beneficiaries under the said will as are adults, and the Official Guardian on behalf of such of the beneficiaries as are infants or not yet ascertainable, have appeared and approved of the provisions hereof; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Trustees and executors under will of W. E. Sanford authorized to invest funds in Manitoba and North West Territories lands.

1. The said trustees and executors of the Estate of the said The Honorable W. E. Sanford, deceased, or such other person or persons as may for the time being be Executor or Executors Trustee or Trustees of the said estate shall be at liberty, in their discretion, to invest any of the trust moneys of the said estate in any securities which

are

are a first charge on land held in fee simple within the Province of Manitoba or within the North West Territories of Canada, provided that such investments are in other respects reasonable and proper, and the said trustees shall not be chargeable with breach of trust in respect of any moneys already invested in any such securities provided that such investments are in other respects reasonable and proper.

TABLE

SHEWING

REVISED STATUTES AND SUBSEQUENT ACTS AFFECTED BY ACTS OF 5 EDWARD VII.

Act repealed or amended.	Subject matter.	How affected	Chapter of 5 Edw. VII
Rev. Stat. c. 9	Elections to the Legislative Assembly	Amended	4
" c. 12	Legislative Assembly	Amended	13
" c. 14	Executive Council	Amended	5
" c. 18	Fees of certain Public Officers	Amended	13
" c. 24	Succession Duty	Amended	6
" c. 26	Algoma Land Tax	Amended	7
" c. 36	Mining	Amended	9
" c. 43	Agriculture and Arts	Amended	11
" c. 51	Judicature	Amended	13
" c. 59	Surrogate Courts	Amended	14
" c. 60	Division Courts	Amended	13
" c. 61	Jurors	Amended	13
" c. 97	Coroners	Amended	15
" c. 133	Real Property Limitations	Amended	13
" c. 136	Registry Laws	Amended	13
" c. 141	Water Privileges	Amended	13
" c. 149	Conditional Sales of Chattels	Amended	13
" c. 162	Marriage	Amended	13
" c. 179	Pharmacy	Amended	16
" c. 199	Gas and Water Companies	Amended	17
" c. 205	Loan Corporations	Amended	13, 19
" c. 212	Immigration Aid Societies	Repealed	13
" c. 214	Trustees of Burial Grounds	Amended	20
" c. 225	Municipalities in Districts	Amended	24, 25
" c. 232	Public Libraries	Amended	26

Act repealed or amended.	Subject matter.	How affected.	Chapter of 5 Edw. VII
Rev. Stat. c 233	Public Parks	Amended	13
" c. 236	Travelling on Highways	Amended	28
" c. 245	Liquor Licenses	Amended	30, 31
" c. 248	Public Health	Amended	32
" c. 256	Factories	Amended	13
" c. 294	Separate Schools	Amended	13
" c. 319	Institutions for Deaf and Dumb and Blind	Amended	38
62 Vict. (2) c. 9	Succession Duty	Amended	6
" c. 31	Brewers' and Distillers' Licenses	Amended	31
63 Vict. c. 26	Cold Storage Associations	Amended	18
" c. 29	Railway Aid	Amended	13
" c. 30	Algoma Central Railway Land Grant	Amended	13, 21
" c. 49	Game Protection	Amended	33
1 Edw VII. c. 6	Volunteers' Land Grant	Amended	8
" c. 8	Succession Duty	Amended	6
" c. 32	Improvement of Public Highways	Amended	27
" c. 33	Toll Roads Expropriation	Amended	13
" c. 41	University of Toronto	Amended	13, 37
2 Edw. VII. c. 9	Temiskaming and Northern Ontario Railway	Amended	10
" c. 10	Agriculture and Arts	Amended	11
" c. 12	Statute Law Amendments (as to Succession Duty)	Amended	6
" c. 14	Jurors	Amended	13
" c. 30	Towns in Districts	Amended	25
" c. 35	Toll Roads Expropriation	Amended	13
3 Edw. VII. c. 2	Algoma Land Tax	Amended	7
" c. 3	Volunteers' Land Grant	Amended	8
" c. 19	Municipal Institutions	Amended	13, 22, 25
" c. 26	Improvement of Public Highways	Amended	27
" c. 27	Motor Vehicles	Amended	28
" c. 28	Travelling Shows	Amended	29
" c. 31	Boards of Education	Amended	34
" c. 36	Land Grant to University	Amended	36, 37

Act repealed or amended.			Subject matter.	How affected.	Chapter of 5 Edw. VII
3 Edw. VII.	c.	38	Houses of Refuge	Amended	13
4 Edw. VII.	c.	3	Elections to Legislative Assembly	Amended	4
"	c.	6	Volunteers' Land Grant	Amended	8
"	c.	10	Statute Law Amendments — Algoma Land Tax	Amended	7
			Statute Law Amendments — County Courts	Amended	13
			Statute Law Amendments — Improvement of Roads	Amended	27
			Statute Law Amendments — Motor Vehicles	Amended	28
"	c.	22	Municipal Institutions	Amended	22
"	c.	23	Assessment	Amended	23, 24
"	c.	24	Separate Schools	Amended	13

INDEX

TO

ACTS OF THE PROVINCE OF ONTARIO

First Session, Eleventh Legislature

5 Edward VII., 1905.

A

PAGE

ADMINISTRATORS,
powers of surrogate judge in passing accounts 52
AGRICULTURE AND ARTS,
annual meetings—of district societies 32
horticultural and township societies 32
when exhibition may be held outside of district 32
ALGOMA CENTRAL RAILWAY COMPANY,
time for earning certain subsidies extended 59
land grant, lands in certain townships may be granted 61
ALGOMA LAND TAX,
time for payment of arrears extended 24
proof that land occupied as farming lands 24
treasurer authorized to accept arrears up to 1st January, 1906, without interest 25
ALIMONY,
service out of the jurisdiction 49
ALLISON, J. W.,
by-law No. 270, Village of Morrisburg, confirmed 256
AMHERSTBURG, TOWN OF,
by-law No. 247A and agreement with Sandwich, Windsor and Amherstburg Railway confirmed 102
issue of debentures for payment of bonus authorized 103
issue of debentures for $2,000 to pay floating debt authorized 104
ANNUITIES,
authority to raise provincial loans by issue of 8
ASHES,
by-laws respecting collection and disposal of, ... 67
ASSESSMENT,
notice by company as to separate school assessment 50
extension of by-laws exempting manufacturers in certain cases 69
rolls returned on or before 20th May, 1905, validated 76
appeals in districts—to be from court of revision to district judge when appeal to lie from district judge to Judge of High Court—procedure 77
appeal to Court of Appeal 78
AUTOMOBILES,
see MOTOR VEHICLES 83
AVERY STAMPING COMPANY,
by-law No. 1695 of City of St. Catharines confirmed 408

B

PAGE

BELLEVILLE, CITY OF,
tax sales for 1898 and 1902 and assessment and collectors' rolls confirmed 111
BELLEVILLE HOSPITAL AND HOME FOR THE FRIENDLESS,
authorized to mortgage certain lands 776
BERLIN, TOWN OF,
repeal of special provision as to price payable for beets by Ontario Sugar Co., ... 50
BLIND, INSTITUTION FOR,
control transferred to Minister of Education 101
BOARDS OF CONTROL,
in cities of over 100,000, maximum remuneration of controllers ... 65
in Toronto—electors to have not more than one vote for each candidate 65, 66
qualification for—what to be two years' service in council 65
BOARDS OF EDUCATION,
nominations for in cities of over 100,000 63
voter to have only one vote for each candidate 92
BOARDS OF POLICE TRUSTEES,
see POLICE VILLAGES 70, 72
BONES,
storage of 89
BONUS BY-LAWS,
application of amounts repaid to municipality in reduction of rates 68
granting extension of exemption to manufacturers in certain cases 69
in aid of railways—when debentures may be issued 71
BOULTBEE, HORATIO CLARENCE,
purchase of certain lands from First Coloured Calvinistic Baptist church in Toronto 771
BOWMANVILLE, TOWN OF,
by-laws No. 694 and 695 re Durham Rubber Company confirmed ... 142
BRAMPTON, TOWN OF,
agreement with Copeland-Chatterson Company, Limited, and By-law No. 280 confirmed 152
BRANTFORD, CITY OF,
agreements with Grand Trunk Railway and by-laws confirmed 160
assessments for sewers 161
BREWERS' AND DISTILLERS',
warehouse licenses 87
BRIDGES,
appeal from county judge's order as to maintenance by county and township 70
BRUCE MINES AND ALGOMA RAILWAY COMPANY,
extension from C.P.R. line to James' Bay 515
bonding powers 515
time for completion 516
use of right of way for transmission of electrical power by Government 516
BUILDERS,
by-laws requiring conveniences for workmen 67
BUILDINGS,
by-laws authorizing city architect to permit deviations from rules in special cases 67
BURIAL GROUNDS,
powers of trustees as to rules and regulations 60
BY-LAWS,
of police trustees, authentication of 72

C

CANADA CENTRAL RAILWAY COMPANY,
time for commencement and completion 517

PAGE.

CANADA CENTRAL RAILWAY COMPANY—Continued.
provisional directors 518
extensions authorized 518
bonding powers 519
purchase or lease of Algoma Central and Manitoulin and North Shore Railway authorized 519
connection and agreement with other companies 520
use of right of way for transmission of electrical power by Government 520
forfeiture of rights if required expenditure not made 521

CEMETERIES,
powers of trustees as to rules and regulations 60

CENTRAL ONTARIO RAILWAY COMPANY,
extension of time for earning subsidy 49

CHATHAM, CITY OF,
by-law No. 479 and agreement re Chatham, Wallaceburg and Lake Erie Railway confirmed 172

CHATHAM, TOWNSHIP OF,
by-law No. 479 and agreement re Chatham, Wallaceburg and Lake Erie Railway confirmed 172

CHATHAM, WALLACEBURG AND LAKE ERIE RAILWAY COMPANY,
by-laws City of Chatham, etc., confirmed 172

CHATTELS,
conditional sales of,—effect of affixing to realty 47

CHEMISTS,
see PHARMACY 54

CHURCH OF ENGLAND CEMETERY, INGERSOLL,
rector and churchwardens authorized to sell certain lands—removal of remains 763

CIRCUSES AND TRAVELLING SHOWS,
provincial license fee 85

COLD STORAGE ASSOCIATIONS,
objects—purchase of certain classes of goods 58
legislative grants—conditions as to distance from other establishments 58

COLOURED CALVINISTIC BAPTISTS,
sale of certain lands in City of Toronto confirmed 771

COMMISSIONER OF CROWN LANDS,
to be known as Minister of Lands and Mines 14

COMMISSIONER OF PUBLIC WORKS,
to be known as Minister of Public Works 14

COMPANIES,
notice as to assessment for Separate Schools 50

CONDITIONAL SALES OF CHATTELS,
chattels affixed to realty to remain subject to lien—right of mortgagee 47

CONSOLIDATED REVENUE FUND,
manner in which loans may be raised on credit of 6
loan of $7,000,000 authorized 11

CONSOLIDATED RULES OF PRACTICE,
amendment as to service out of the jurisdiction in alimony actions 49

CONSTABLES,
payment of in police village 74

CONTRACTORS,
by-laws requiring conveniences for workmen 67

CONTROLLERS,
see BOARD OF CONTROL 65, 66

CONVEYANCES TO TRUSTEES FOR BURIAL GROUNDS,
powers of trustees as to rules and regulations 60

CO-OPERATIVE COLD STORAGE ASSOCIATIONS,
objects of incorporation—purchase of certain fruits, vegetables, dairy products, etc. 58
legislative grant for erection of buildings—distance from other establishments 58

PAGE

COPELAND-CHATTERSON COMPANY, LIMITED,
agreement with Town of Brampton and By-law No. 280 confirmed... 152
CORNWALL, TOWNSHIP OF,
by-law No. 702 (River aux Raisin Drainage Scheme) confirmed 282
CORNWALL, TRINITY CHURCH,
rector and churchwardens authorized to mortgage certain lands 761
CORONERS,
provision for suitable room for inquests 53
COUNTY COURTS,
clerical amendment as to transfer of actions to High Court 49
COURT OF APPEAL,
appointment and duties of Registrar and Assistant Registrar 45
CREASE, HORATIO C.,
authorized to practise dentistry in County of Simcoe 795
CROWN LANDS,
commissioner and assistant to be Minister and Deputy Minister of Lands and Mines 14
land tax on patented lands in districts, amendments as to 24
grants to volunteers, *see* VOLUNTEERS' LAND GRANT 26
setting apart lands for university 96, 99

D

DAUPHIN DRAINAGE WORKS,
by-law No. 15, 1905, of Township of Tilbury East confirmed 448
DAVIS, WILLIAM HENRY, DECEASED,
distribution of estate 797
DEACON COMPANY, LIMITED,
agreement with City of Stratford confirmed 436
DEAF AND DUMB, INSTITUTION FOR,
control of transferred to Minister of Education 101
DEBT,
manner in which Provincial loans may be raised 6
loan of $7,000,000 authorized 11
DIOCESE OF SAULT STE. MARIE,
Roman Catholic Bishop incorporated 766
DIRECTORS OF SCHOOL SISTERS OF NOTRE DAME,
incorporation 783
DISTILLERS,
warehouse licenses 87
DISTRICT AGRICULTURAL SOCIETIES,
annual meetings 32
DISTRICTS,
see ALGOMA LAND TAX 24
appeals from assessment in 77
certain town elections for 1905 validated notwithstanding non filing of declarations 79
DIVISION COURTS,
clerks, payment to Province on net income abolished 45
jurors—where municipality in the division a party 46
DOVER, TOWNSHIP OF,
by-law No. 15 and agreement re Chatham, Wallaceburg and Lake Erie Railway confirmed 172
DRUGGISTS,
see PHARMACY 54
DURHAM, TOWN OF,
by-law No. 490 and agreement with Furniture Company confirmed... 178
DURHAM FURNITURE COMPANY, LIMITED,
by-law No. 490 of the Town of Durham and agreement confirmed... 178
DURHAM RUBBER COMPANY, LIMITED,
by-laws No. 694 and 695 of the Town of Bowmanville confirmed 142

E

EASTERN AND WESTERN LAND CORPORATION, LIMITED,
authority to accept shares for land sold to shareholders 738

PAGE
EASTERN AND WESTERN LAND CORPORATION, LIMITED—Continued.
capital to be reduced and surrendered shares to be cancelled 739
supplementary letters patent for reduction of capital 739
EDUCATION DEPARTMENT,
control of institutions for deaf and dumb and blind transferred to 101
ELECTIONS,
provisions for numbering names of voters and counterfoils repealed, 12
ELECTIONS, MUNICIPAL,
see MUNICIPAL AMENDMENTS 63-65
ELECTRICAL DEVELOPMENT COMPANY OF ONTARIO,
agreement with Park Commission confirmed 33
municipalities authorized to fix assessment of company 34
ELECTRIC LIGHT WORKS,
debts for purchase of, may be payable in annual instalments 68
ELGIN, COUNTY OF,
by-law No. 677 re London and Port Stanley toll road and agreement with Townships of Yarmouth and Southwold and Village of Port Stanley confirmed 185
portion of road in St. Thomas to be controlled by city 186
arbitrators to determine amount payable to city 186
ESCOTT, FRONT OF, TOWNSHIP OF,
township of Front of Yonge and Escott divided 202
EVIDENCE,
right of factory inspectors to object to giving evidence as to inspected premises 51
EXCHEQUER BILLS,
authority to raise provincial loans by issue of 8
EXECUTIONS,
lien on lands—keeping alive after ten years by renewal 46
against police trustees, how enforced 74
EXECUTIVE COUNCIL,
Commissioner and Assistant Commissioner of Crown Lands to be Minister and Deputy Minister of Lands and Mines 14
Commissioner of Public Works and Assistant Commissioner to be Minister and Deputy Minister of Public Works 14
member of council may be appointed president 15
EXECUTORS,
powers of Surrogate Judge on passing accounts 52
EXEMPTIONS FROM TAXATION,
granting extension to manufacturers in certain cases 69

F

FACTORY INSPECTORS,
may object to giving evidence as to inspected premises 51
FARMERS' CO-OPERATIVE HARVESTING MACHINE COMPANY, LIMITED,
agreement and bonus by-law of Town of Whitby confirmed 497
FEES OF PUBLIC OFFICERS,
Division Court clerks,—payment to Province on net income abolished 45
FINANCE,
manner in which Provincial loans may be raised 6
loan of $7,000,000 authorized 11
FIRST COLOURED CALVINISTIC BAPTIST CHURCH, TORONTO,
sale of certain lands to Horatio Clarence Boultbee confirmed 771
FISH,
by-laws regulating delivery and exposure for sale of 67
FOREST RESERVES,
land not to be sold for mining purposes in 28
FORT WILLIAM, TOWN OF
by-law No. 364 ($12,000 for extension of water works) confirmed 192
by-law No. 374 ($5,000 for improvement of fire protection) confirmed 192

PAGE

FORT WILLIAM, TOWN OF—Continued.
by-law No. 375 ($6,000 for extending electric light system) confirmed 192
by-law No. 376 ($22,500 improving and extending telephone system) confirmed 192
by-law No. 377 $115,000 for extending and improving water works system) confirmed 193
tax sales down to and including 1903 confirmed 193
agreements with Grand Trunk Pacific Railway Company and by-law No. 385 confirmed 195
certain lands in Indian reserve annexed to town 196
exemption of company from taxation limited to 15 years 196
FOSTER, WILLIAM EDGAR,
Law Society authorized to admit to practise 799
FREE LIBRARIES,
members of boards to be British subjects 80
FRONT OF YONGE AND ESCOTT, TOWNSHIP OF
divided into Townships of Front of Yonge and Front of Escott 202
FRUIT,
by-laws regulating delivery and exposure for sale of 67

G

GAME,
by-laws regulating delivery and exposure for sale of 67
protection of prairie fowl and pheasants and beaver and otter until 1910..... 90
woodcock, snipe, quail and partridge not to be bought or sold before 1910 90
receiving skins of deer, etc., for storage 90
transportation of deer, etc., during close season 91
wardens—number of 91
officers to be *ex officio* justices of the peace 91
hares—close season for 91
GARBAGE, 67
by-laws respecting collection and disposal of 67
GAS AND WATER COMPANIES,
councils may lease or purchase works from company 57
GAS WORKS,
debts for purchase of, may be payable in annual instalments 68
GENERAL SESSIONS,
when Grand Jury for High Court may take up business for 49
GODERICH, TOWN OF,
floating debt consolidated at $17,000 205
by-law No. 8 and conveyance to public library board confirmed ... 208
GRAND TRUNK PACIFIC RAILWAY COMPANY,
by-law No. 385 and agreement Town of Fort William confirmed..... 196
GRAND TRUNK RAILWAY COMPANY,
agreement with City of Toronto as to Union Station site 482
agreements with City of Brantford and by-laws 160
GRAVENHURST, TOWN OF,
certain debenture debts and floating debts consolidated at $51,000... 210
assessment rolls and collectors' rolls down to 1904 validated 214
GRIMSBY, VILLAGE OF,
by-law No. 192 ($34,000 for constructing water works) confirmed... 215
by-law No. 201 and agreement with Walker Steel Range Company confirmed 218
GUELPH RADIAL RAILWAY COMPANY,
by-law of city for loan for $30,000 for improvements and for park purposes confirmed 522
time for commencement and completion 523
bonding powers 523
city may guarantee payment of bonds or subscribe for additional stock 524
connections and agreement with other companies 525

PAGE

GUELPH RADIAL RAILWAY COMPANY—Continued.
assent of electors to by-law for sale or lease, when required 525
power to expropriate 526
use of steam for construction purposes 526
agreements for supplying power 526
council authorized to convey Sleeman Puslinch property to company 526

H

HALIBURTON, WHITNEY AND MATTAWA RAILWAY COMPANY,
time for commencement and completion 555
use of right of way for transmission of electricity by Government 529
HAMILTON, CITY OF,
debentures for $80,000 to pay floating debt authorized 223
laying sewer or gas or water pipes in vicinity of Gas Light Company's pipes 224
HAMILTON GAS LIGHT COMPANY,
laying sewer or gas or water pipes within certain distance of company's pipes 224
HAMILTON, GUELPH & NORTH SHORE RAILWAY COMPANY,
incorporation 531
HAMILTON, JOHN K.,
authorized to practice as a veterinary surgeon 801
HEALTH,
storage of rags, bones or refuse 89
HERMINA MINING COMPANY, LIMITED,
incorporation confirmed 740
authority to construct railway from Lake Huron to mines 740
capital stock 741
HIGHWAYS,
local municipality may take over road expropriated by county 49
regulations as to width of sleigh runners 50
powers of Crown as to road allowances before municipality organized 69
actions against police trustees for non-repair, to be tried without a jury 74
government aid in improvement of 81
grant may be one-third of amount expended 81
statute labour may be expended on roads aided 81
roads aided to be county roads 81
time within which by-laws may be passed 82
regulation of motor vehicles, *see* MOTOR VEHICLES 93
HORTICULTURAL SOCIETIES,
annual meetings 32
HOSPITAL AND HOME FOR THE FRIENDLESS IN BELLEVILLE,
authorized to mortgage certain lands 776
HOUSES OF REFUGE,
extension of time for establishment of by counties 50
HURONIAN COMPANY, LIMITED,
United Nickel Company authorized to take over property, etc., of... 756

I

IMMIGRATION AID SOCIETIES,
repeal of Act respecting 48
IMPROVEMENT OF PUBLIC HIGHWAYS,
see HIGHWAYS 81
INDUSTRIAL EXHIBITION ASSOCIATION OF TORONTO,
division of membership into three sections—*ex-officio* members ... 743
directors—*ex-officio* and elected 745
powers as to providing entertainments, shows, etc: 746

PAGE

INGERSOLL, CHURCH OF ENGLAND CEMETERY,
rector and churchwardens authorized to sell certain lands—removal of remains 763
INQUESTS,
suitable room to be provided for holding 53
INSTITUTIONS FOR DEAF AND DUMB AND BLIND,
control of transferred to Minister of Education 101
INTOXICATING LIQUORS,
see LIQUOR LICENSES. 86
IRONDALE, BANCROFT AND OTTAWA RAILWAY COMPANY,
time for commencement and completion 553
extension of line from Kinmount Junction to Georgian Bay..... 553
use of right of way for transmission of electrical power by Government 553

J

JUDICATURE,
appointment and duties of registrars and assistant in Court of Appeal 45
fee on entering actions for trial, to be paid in stamps 45
moneys at credit of Shorthand Reporters' Fund to be paid over to Treasury 46
actions against police trustees for non-repair to be tried without a jury 74
JURORS,
in Division Courts, where municipality a party 46
petit jurors may be called to make up Grand Jury 46
county council may increase fees of 46
special jurors, fees and mileage 46
grand jury, when may commence business for Sessions after High Court 49

K

KEYSTONE SUGAR COMPANY, LIMITED,
bonus by-law of Town of Whitby confirmed 497
KINGSTON, CITY OF,
by-law No. 17, 1905 (debentures for $82,000 and $100,000 for purchase of Kingston Light, Heat and Power Co.) confirmed 225

L

LAKE SUPERIOR, LONG LAKE AND ALBANY RIVER RAILWAY COMPANY,
time for commencement and completion 555
use of right of way for transmission of electrical power by Government 556
LEGISLATIVE ASSEMBLY,
member of executive council appointed president not to vacate seat 15
public school inspectors not ineligible for 45
LIBRARIES,
members of boards to be British subjects 80
LIQUOR LICENSES,
supplying liquor to minors 86
fee on transfer or removal of license 86
application of penalties 86
brewers' and distillers' warehouse licenses 87
LOAN CORPORATIONS,
granting registry from year to year for winding up purposes..... 48
appointment of examiner by Attorney-General 59
powers of examiner... 59
report 59
evidence upon which enquiry may be ordered 59
when municipal corporations may invest in debentures of 66

PAGE

LOCAL IMPROVEMENTS,
powers of incorporated boards of police trustees 70, 73
laying out small parks as 70, 71
exemption of property specially assessed from general rate 71
LOCK UP,
in township to be lock up for police village 75
LONDON, CITY OF,
certain local improvement by-laws confirmed 231
corporation authorized to construct breakwater in London West ... 231
authorized to pay for coke for bacteria beds on sewerage farm and for septic tank 235
agreement with Street Railway Company confirmed 570
LONDON, TOWNSHIP OF,
agreement with Street Railway Company confirmed 570
LONDON, AYLMER AND NORTH SHORE RAILWAY COMPANY,
time for commencement and completion 557
freight traffic 558
transmission of electrical energy 558
agreements with other companies to be subject to general regulations 558
use of right of way for transmission of electrical power by Government 558
LONDON, CHATHAM AND WESTERN RAILWAY COMPANY,
incorporation 560
LONDON AND PORT STANLEY TOLL ROAD,
by-law No. 677 of County of Elgin for purchase of road confirmed ... 185
LONDON STREET RAILWAY COMPANY,
by-laws Nos. 1968-2265-2280-2424 and 2491 of City of London and by-laws Nos. 467 and 468 of Township of London and certain agreements confirmed 569

M

MCKAY, JOHN,
by-law No. 580 of Toronto Junction granting exemption from taxation confirmed 468
MACKENZIE, JAMES BOVELL,
Law Society authorized to admit to practise 803
MACKENZIE, WILLIAM,
agreement of syndicate with Niagara Falls Park Commission and transfer to Electrical Development Co., confirmed 33
MANITOULIN AND IRON RANGE RAILWAY COMPANY,
incorporation 595
MANUFACTURERS,
when coupons given to purchasers excepted from trading stamp by-laws 68
bonus by-laws—application of amounts repaid to municipality in reduction of rates 68
extending by-laws granting exemptions in certain cases 69
MARRIAGE,
licenses to be returned to Registrar General 48
returns by issuers as to licenses 48
MEAFORD, TOWN OF,
floating debt consolidated at $10,000 247
MEAT,
by-laws regulating delivery and exposure for sale of 67
MERCHANTS,
where coupons given to purchasers excepted from trading stamp by-laws 68
MERSEA, TOWNSHIP OF,
agreement between Township and Alister McKay confirmed 346
consolidation of drainage debt 346
MIDLAND, TOWN OF,
by-law No. 589 (debentures for $10,000 to pay floating debt) confirmed 251

PAGE

MILK,
by-laws regulating delivery and exposure for sale of 67
MINING,
land not to be sold in forest reserves 28
right of lessee of mining location to become purchaser at any time repealed 28
MINORS,
intoxicating liquors not to be sold to 86
MORRISBURG, VILLAGE OF,
authorized to acquire water power in Rapide Plat Canal from Dominion Government 255
by-law No. 270 (in aid of J. W. Allison) confirmed 256
by-law No. 271 (issue of debentures to aid J. W. Allison to develop electrical power) confirmed 256
MORTGAGES,
right of mortgagee to purchase chattels affixed to realty and subject to vendor's lien 47
registry not in full—what instruments may be registered..... 47
MOTOR VEHICLES,
number of permit—exposure on vehicle 83
not to approach other vehicle at more than seven miles an hour 83
rule of the road to apply to 84
responsibility of owner 84
to be locked when unused 84
revocation of permit 84
copies of Acts to be posted up 84
where onus of proof to be upon owner in case of accident 84
MUNICIPAL AMENDMENTS,
repeal of power to pass county by-laws as to width of sleigh runners 51
council may contract for lease or purchase of gas or water works 57
annexing territory to city or town 62
when Lieutenant-Governor in Council may act 62
issuing commission of enquiry 62
amendment of proclamation by consent 63
elections—in cities of over 100,000—nominations 63
poll clerk, appointment and duties 63, 64
appointment of officers to be made on recommendation of clerk 63
certificate as to last voter at polling place,... 64
recount—when council may apply for 65
ordering payment of costs by returning officers, etc., guilty of improper practices 65
in all municipalities—persons employed and paid by candidates not to vote 64
board of control—remuneration in cities of over 100,000 65
in Toronto—not more than one vote for each candidate 65, 66
service in councils for two years as aldermen to qualify 65
members to be *ex-officio* justices of the peace 66
investment of sinking funds, etc., in debentures of certain companies 66
enforcement of contracts, etc., by corporation 66
polling sub-divisions—boundaries of, in cities 66
stables for delivery purposes—restricting location of 67
building by-laws—permitting deviations from 67
delivery and sale of meat, etc. 67
builders, etc., to provide proper conveniences for workmen 67
garbage—collecting and disposing of 67
debts for gas works, etc., payment in equal annual instalments 68
trading stamps—merchants and manufacturers giving coupons with goods 68
bonuses—application of amounts received in payment of loans to manufacturers, etc. 68
exemptions from taxation—by-laws extending for 1905 69
road allowances—powers of Crown before organization of municipalities 69
bridges 300 feet long—appeal from county judge to divisional court 70

MUNICIPAL AMENDMENTS—Continued. PAGE
local improvements—extension of clauses to police village boards ... 70
acquiring and improving small parks ... 70
term of debentures for parks ... 71
exemption from general rate of persons assessed for ... 71
railway bonuses—when debentures may be issued ... 71
police villages—extension of local improvement sections to incorporated boards ... 70, 73
certain persons not disqualified as trustees ... 72
chairman and secretary of incorporated board ... 72
powers of trustees as to by-laws regulating certain matters ... 72
incorporated boards, seal, authentication of by-laws ... 72
debentures for local improvements ... 73
actions against board for non-repair—trial of ... 74
constable,—payment of by fees, etc. ... 74
executions against trustees, enforcement of ... 74
penalties, etc., recovery of ... 75
qualification of voters in new town, at first election ... 79
MUNICIPAL HOUSES OF REFUGE,
extension of time for establishment of ... 50
MUNICIPAL INSTITUTIONS IN DISTRICTS,
appeal from assessment ... 77
certain town election for 1905 validated ... 79

N

NAPANEE, TOWN OF,
authorized to issue debentures for $40,000 for construction of electric light and power works ... 266
provisions of Municipal Act as to purchasing existing companies not to apply ... 268
NEPIGON MINING LANDS COMPANY,
issue of land scrip certificates authorized ... 747
application of funds ... 748
management of lands charged with payment of scrip certificates ... 749
cancellation of shares surrendered ... 749
NEW ONTARIO RAILWAY COMPANY,
time for construction extended ... 614
use of right of way for transmission of electrical energy by Government ... 614
NIAGARA, DUNNVILLE AND ERIE ELECTRIC RAILWAY COMPANY,
incorporation ... 616
NIAGARA FALLS, CITY OF,
by-law No. 601 of former town (debentures for $12,000 for improvement of water works) confirmed ... 270
construction of sewers in the territory comprised in former town and village respectively ... 270
NIAGARA FALLS PARK COMMISSION,
agreement with Electrical Development Co., confirmed ... 33
NICHOLLS, FREDERIC,
agreement of syndicate with Park Commission and transfer to Electrical Development Co., confirmed ... 33
NORTHUMBERLAND AND DURHAM, UNITED COUNTIES OF
adjustment of cost of maintaining certain bridges in each of the united counties ... 274
maintenance of bridges in South Monaghan on county boundary line 275
NOXON, W. C.,
by-law 747 of Town of Petrolia confirmed ... 368

O

ONTARIO COLLEGE OF PHARMACY,
see PHARMACY ... 54

PAGE

ONTARIO ELECTION ACT,
provisions for numbering names of voters and counterfoils repealed 12
ONTARIO ELECTRIC RAILWAY COMPANY,
time for commencement and completion extended ... 626
incorporators and provisional directors ... 626
power to construct branches of 30 miles repealed ... 627
use of right of way for transmission of electrical energy by Government ... 627
freight traffic ... 628
ONTARIO FACTORIES ACT,
inspectors may object to giving evidence as to inspected premises ... 51
ONTARIO GAME PROTECTION ACT,
see GAME ... 90
ONTARIO GOVERNMENT STOCK,
authorized to be issued ... 6
ONTARIO IMMIGRATION AID SOCIETIES ACT,
repeal of ... 48
ONTARIO POWER COMPANY,
bylaw No. 11 of Township of Stamford confirmed ... 433
ONTARIO SUGAR COMPANY, LIMITED,
repeal of special provision as to price payable for beets by ... 50
ONTARIO TELEPHONE COMPANY, LIMITED,
incorporation ... 751
ONTARIO TRACTION COMPANY, LIMITED,
agreement with Windsor and Tecumseh Electric Railway Company ... 715
ORILLIA, TOWN OF,
debentures for $100,000 for repair and extension of power plant authorized ... 277
ORILLIA YOUNG MEN'S CHRISTIAN ASSOCIATION,
incorporation ... 787
exemption from taxation ... 788
OSNABRUCK, TOWNSHIP OF,
by-law No. 11, 1904, (River aux Raisin Drainage Scheme) confirmed 280
OTTAWA, CITY OF,
debentures for $26,000 (Exhibition debt) authorized ... 327
debentures for $86,000 (extending Lansdowne Park and erecting buildings) authorized ... 328
certain local improvement by-laws confirmed ... 328
authorized to pay one-third of cost of certain permanent pavements two feet in width of sidewalks constructed as local improvements 328
by-law No. 2453 (leasing Wellington Ward Market) confirmed ... 329
OTTAWA RIVER RAILWAY COMPANY,
brach lines from Orillia to Port Stanley and from Township of Mara to Toronto authorized ... 629
acquiring franchises of other lines ... 630
use of right of way for transmission of electrical energy by Government ... 630

P

PACIFIC AND ATLANTIC RAILWAY COMPANY,
time for commencement and completion ... 631
provisional directors ... 632
bonding powers ... 632
exclusive privileges as to transmission of energy not to be granted 632
agreements with other companies to be subject to general regulations 633
use of right of way for transmission of electrical power by Government ... 633
PACKARD ELECTRIC COMPANY, LIMITED,
by-law No. 1655 City of St. Catharines confirmed ... 395
PALMER PIANO COMPANY,
by-law No. 564 of Town of Prescott confirmed ... 386

PAGE

PARKS,
board may include purchase money for small parks in estimates 48
issuing debentures for balance of purchase money when one half subscribed 48
acquiring and laying out small parks as local improvements 70, 71
PELLATT, HENRY MILL,
agreement of syndicate with Niagara Falls Park Commission and transfer to Electrical Development Co., confirmed 33
PENALTIES,
recovery of, by board of police trustees, ... 75
PENETANGUISHENE AND ORILLIA RAILWAY COMPANY,
incorporation 634
PERTH AND HURON RADIAL RAILWAY COMPANY,
incorporation 652
PETERBOROUGH, TOWN OF,
town erected into city 353
authority to purchase certain lands from R. C. Episcopal Corporation for armory and collegiate institute 356
authorized to convey certain lands to Board of Education and to Crown for armory site 357
certain money by-laws confirmed 357
by-law 1126 in aid of Peterborough Cereal Company confirmed 357
by-law No. 1127 in aid of Shovel and Tool Company confirmed 357
application of certain revenue from water works 358
PETERBOROUGH, COUNTY OF,
maintenance of bridges in South Monaghan on county boundary line 275
by-law No. 863 authorizing conveyance of certain lands to Board of Education of City of Peterborough and to the Crown for armory site confirmed 357
PETROLIA, TOWN OF,
authority to issue debentures for $14,000 in 1905, $4,000 in 1906, $2,000 in 1907 to floating debt and in relief of rates 364
by-law No. 747 (Noxon Gas Works) confirmed 368
PHARMACY,
members of council to be taken from division in which they carry on business 54
date of biennial election of council 54
qualification of voters at election of council 54
sittings of council, when to be held 54
business to be transacted 54
disciplinary powers of council as to students 55
allowance for attendance at council 55
certificates, qualification of apprentices registered on or after 23rd March, 1889 55
fees payable by persons registered 55
drugs, poisons, etc., which may not be sold by persons not registered 55
use of signs, etc., indicating registration 56
POINT PELEE MARSH DRAINAGE,
agreement between Township of Mersea and Alister McKay, confirmed 345
consolidation of drainage debt 346
POLICE VILLAGES,
extension of local improvement clauses, to incorporated boards of police trustees 70
certain persons not disqualified from being trustees 72
chairman and secretary of board 72
powers of trustees as to by-laws regulating certain matters 72
seal of board—authentication of by-laws 72
debentures for local improvements 73
actions for non-repair of highways, trial of 74
constable, payment of 74
executions against trustees, enforcement of 74
penalties, etc., recovery of 75

PAGE

PUBLIC PARKS,
board may include in estimates purchase money of small parks... 48
issuing debentures for balance when one-half of cost subscribed ... 48
establishing and improving as local improvements ... 70
PUBLIC SCHOOL INSPECTORS,
not ineligible for Legislative Assembly ... 45
PUBLIC WORKS,
Commissioner and assistant, to be Minister and Deputy ... 14
by-laws requiring conveniences for workmen ... 67

Q

QUEEN VICTORIA NIAGARA FALLS PARK,
agreement with Electrical Development Co. confirmed ... 33

R

RAGS,
storage of ... 89
RAILWAYS,
time for issuing bonus debentures by municipalities ... 71
Algoma Central ... 50, 61
Bruce Mines and Algoma ... 515
Central Canada ... 517
Central Ontario ... 49
Chatham, Wallaceburg and Lake Erie ... 172
Grand Trunk Pacific ... 195
Grand Trunk ... 161
Guelph Radial ... 522
Haliburton, Whitney and Mattawa ... 520
Hamilton, Guelph and North Shore ... 531
Irondale, Bancroft and Ottawa ... 553
Lake Superior, Long Lake and Albany River ... 555
London, Aylmer and North Shore ... 557
London, Chatham and Western ... 560
London Street Railway ... 569
New Ontario ... 614
Niagara, Dunnville and Erie Electric ... 616
Ontario Electric ... 626
Ontario Traction Company, Limited ... 715
Ottawa River ... 629
Penetanguishene and Orillia, incorporation ... 634
Perth and Huron Radial Railway Company ... 652
Sandwich, Windsor and Amherstburg ... 103
St. Catharines, Pelham and Welland Electric Railway Company ... 675
Temiskaming and Northern Ontario ... 29
Toronto, Ottawa and French River Railway Company ... 679
Western Central Railway Company ... 698
Windsor, Essex and Lake Shore Rapid Railway Company ... 708
Windsor and Tecumseh Electric Railway Company ... 712
REAL PROPERTY LIMITATION ACT,
keeping alive lien under fi. fa. by renewal ... 46
REFUSE,
by-laws respecting collection and disposal of ... 67
storage of ... 89
REGISTRY LAWS,
meaning of "mortgagee" and "mortgage" in provisions as to not registering in full ... 47
wills from other countries not to be registered until proof of filing account for succession duty ... 47
RESIDENCE TRUSTEES,
incorporation of ... 93

PAGE

RIDLEY COLLEGE, ST. CATHARINES,
by-law 1664 of City of St. Catharines confirmed 392
ROAD ALLOWANCES,
powers of Crown as to dealing with before municipality organized 69
ROADS,
local municipality may acquire road expropriated by county ... 49
improvement of highways, *see* HIGHWAYS 81
regulations as to width of sleigh runners 50
ROMAN CATHOLIC EPISCOPAL CORPORATION FOR THE DIOCESE OF SAULT STE. MARIE,
incorporation 766
ROMAN CATHOLIC SEPARATE SCHOOLS, WALLACEBURG,
by-law of trustees for borrowing $7,000 for a new school building confirmed 491
ROXBOROUGH, TOWNSHIP OF,
by-law No. 702 (River aux Raisin Drainage Scheme) confirmed ... 282

S

ST. CATHARINES, CITY OF,
by-law No. 1664 (in aid of Ridley College) confirmed 392
by-law 1655 (in aid of Packard Electric Company, Limited), confirmed 395
by-law No. 1685 (in aid of J. T. Thompson and others). confirmed 401
by-law No. 1695 (in aid of Avery Stamping Company), confirmed 408
ST. CATHARINES, PELHAM AND WELLAND ELECTRIC RAILWAY COMPANY,
extension from T. H. & B. to Dunnville authorized 675-677
capital stock..... 676
freight and express service 677
use of right of way for transmission of power by Government 677
ST. THOMAS, CITY OF,
portion of London and Port Stanley toll road in city to be under jurisdiction of corporation 186
arbitrators to determine amount payable to city by county with respect to toll road 186
by-law No. 1493 (debentures for $200,000 for purchase of St. Thomas Gas Company) confirmed 416
SANDWICH EAST, TOWNSHIP OF,
by-law No. 378, Ontario Traction Company, confirmed 715
SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY,
by-law No. 247a of Amherstburg and agreement in settlement of certain litigation confirmed 103
SANFORD, HONOURABLE W. E.,
estate of, executors authorized to invest funds in Manitoba and North West Territories 805
SAULT STE. MARIE, DIOCESE OF,
Roman Catholic Bishop incorporated 766
SCAVENGING,
by-law respecting collection and disposal of garbage, etc. 67
SCHOOL SISTERS OF NOTRE DAME, DIRECTORS OF,
incorporation 783
SEPARATE SCHOOLS,
notice by company as to assessment for 50
SEPARATE SCHOOLS, WALLACEBURG,
by-law of trustees for borrowing $7,000 for a new school building confirmed 491
SHORTHAND REPORTERS' FUND,
fee on entering actions for trial to be paid in stamps 45
moneys at credit of fund to be paid over to Treasury 46
SHOWS,
provincial license fee 85

PAGE

SINKING FUNDS,
for payment of provincial loans, provision for 6
SLEIGH RUNNERS,
regulation as to width of, on sleighs made after 1st December, 1906 51
repeal of powers of county councils as to 51
SMITH'S FALLS, TOWN OF,
certain debenture by-laws confirmed 421
certain debenture debts consolidated at $54,256.37 423
certain local improvement debentures authorized 423
cost of extensions to connect water works, etc., with private property 425
SOUTH AFRICAN MEMORIAL ASSOCIATION,
City of Toronto authorized to grant $5,000 476
SOUTH AFRICAN VOLUNTEERS,
See VOLUNTEERS' LAND GRANT 26
SOUTHAMPTON, TOWN OF,
authorized to issue debentures for $58,000 to pay floating debt and consolidate debenture debt 428
management of Victoria Jubilee Park vested in corporation instead of Park Commissioners 431
SOUTH MONAGHAN, TOWNSHIP OF,
maintenance of bridges on county boundary line 275
SOUTHWOLD, TOWNSHIP OF,
agreement with County of Elgin as to London and Port Stanley toll road confirmed 186
STABLES,
by-laws regulating location of, when kept for delivery purposes ... 67
STAMFORD, TOWNSHIP OF,
by-law No. 11 fixing assessment of Ontario Power Company confirmed 433
STATUTE LAW AMENDMENT ACT,
Legislative Assembly,—public school inspectors not ineligible 45
division court clerks,—payment to Treasury on net income abolished 45
Court of Appeal,—assistant registrar 45
entering actions for trial,—fee on 45
shorthand reporters' fund,—to be paid over to Treasurer 46
division courts,—jurors where municipality a party 46
jurors,—persons on panel of petit jurors, may be called to grand jury 46
county council may increase fees of 46
special jurors,—fees and mileage 46
grand jury for High Court when may be called to serve at sessions 49
real property limitation,—keeping lien under fi. fa. alive after ten years 46
registry laws,—meaning of mortgagee and mortgage in connection with not registering in full 47
wills, etc., from other countries not to be registered until Succession Duty Act complied with 47
water privileges,—judge's order to state height to which water may be raised 47
conditional sales,—chattels affixed to realty 47
marriage,—licenses to be returned to registrar 48
returns as to licenses by issuers 48
immigration aid societies,—repeal of Act for incorporation 48
loan corporations,—registry from year to year for winding up business 48
parks,—estimates of board may include purchase money for small parks 48
issuing debentures where half cost of purchase subscribed 48
county courts,—transfer of actions to High Court 49
Central Ontario Railway,—extension of time for earning subsidy ... 49
alimony,—service out of the jurisdiction 49
Toronto General Hospital,—powers as to taking lands 49

PAGE

STATUTE LAW AMENDMENT ACT—Continued.
toll roads expropriation,—local municipality may take over road from county ... 49
houses of refuge,—time within which to be established ... 50
separate schools,—notice given by company as to assessment ... 50
Algoma Central Railway,—extension of time for earning subsidy ... 50
Ontario Sugar Company,—repeal of special provisions as to payment for beets ... 50
width of sleigh runners,—on sleighs manufactured after 1st December, 1906 ... 50
factory inspectors,—may object to giving evidence as to inspected premises ... 51
STRATFORD, CITY OF,
conveyance of land and water privileges to city confirmed ... 435
by-law No. 1129 (debentures for $11,500 for park purposes) confirmed 436
contracts with Gas Company and Deacon Company, Limited, confirmed ... 436
powers of the Board of Park Management as to enforcing agreement 437
application of rates, etc., collected from Gas Company and Deacon Company ... 437
grant of right of way through park to C. P. R. confirmed ... 438
council may indemnify Board of Park Management for loss of revenue and damages, etc. ... 438
STRATFORD YOUNG MEN'S CHRISTIAN ASSOCIATION,
incorporation confirmed ... 790
exemption from taxation ... 791
STREET RAILWAYS,
debts for purchase of, may be payable in annual instalments ... 68
STUDENTS' RESIDENCE,
incorporation of trustees ... 93
STURGEON FALLS,
authorized to borrow $35,000 to pay floating debt and for fire hall, lock-up, etc. ... 445
SUCCESSION DUTY,
interpretation ... 16
"property" ... 16
"child" ... 16
"aggregate value" ... 16
"dutiable value" ... 17
debts,—what may be allowed for in computing dutiable value ... 17
exemptions ... 17
estate not exceeding $10,000 ... 17
property given for religious, charitable or educational purposes ... 18
property passing to father, mother, etc., not exceeding $50,000 18
property liable to duty ... 18
property in Province and moveable property of person domiciled here ... 18
voluntary transfer in contemplation of death ... 18
donationes mortis causa ... 18
joint owner with survivorship ... 19
settlements ... 19
annuities ... 19
powers of appointment ... 19
dower and courtesy ... 20
particular descriptions not to restrict general words ... 20
rate at which duty to be calculated ... 20
additional rate where property to more than certain amount passes to one person ... 20 21
property brought into Province for distribution ... 22
where duty has been paid elsewhere ... 22
Order-in-Council as to when allowance to be made ... 23
liability for distributing estate out of Province to escape duty ... 23

PAGE

SUCCESSION DUTY—Continued.
repeal of limitation as to actions to recover duty 23
wills, etc., from other countries not to be registered until proof that account filed 47
SUPPLIES,
for civil government for 1905 1
SURROGATE COURTS,
powers of judge on passing accounts 52
notice to persons interested 52

T

TAXES,
See ALGOMA LAND TAX 24
TEMISKAMING AND NORTHERN ONTARIO RAILWAY,
loan of $7,000,000 authorized to redeem treasury bills issued for.. 11
appointment of member of commission as consulting engineer 28
extension northerly to Grand Trunk Pacific 29
operation of line by electricity 29
accounts to be kept in Treasury Department 30
proceeds of loan of $7,000,000 to be credited 31
what to be charged against account 31
Order-in-Council directing payments from time to time to credit of commission 31
TERMINABLE ANNUITIES,
authority to raise provincial loans by issue of 8
TERRITORIAL DISTRICTS,
See ALGOMA LAND TAX..... 24
appeals from assessment in 77
certain town elections for 1905 validated notwithstanding non-filing of declarations 79
THOMPSON MANUFACTURING COMPANY,
by-law No. 1685, City of St. Catharines, confirmed 401
TILBURY EAST, TOWNSHIP OF,
by-law No. 15, 1905, (debentures for Dauphin Drainage Works) confirmed 448
TOLL ROADS,
county by-laws for improving roads, *see* HIGHWAYS 81
TOLL ROADS EXPROPRIATION,
local municipality may take over road from county 49
TORONTO, CITY OF,
board of control,—election of 65, 66
council authorized to grant $200,000 to Provincial Hospital 100
authorized to undertake certain works for straightening of Don River 474
authorized to issue debentures for works on Don and Ashbridge's Bay 475
debentures for $40,000 for electric light works on Island authorized 476
grant of $5,000 to South African Memorial Association 476
debenture by-laws confirmed 476
proclamation annexing certain lands in vicinity of Avenue Road confirmed 481
agreement with Grand Trunk Railway Company as to land for Union Station site confirmed 482
debentures for certain purposes to $110,500 authorized 483
representation on Board of Industrial Exhibition Association 715
TORONTO FIRST COLOURED CALVINISTIC CHURCH,
purchase of certain lands from, by H. C. Boultbee 771
TORONTO GENERAL HOSPITAL,
powers of trustees as to expropriation of land 42
University trustees may make advance for reorganization of, and purchase of site 98, 99

PAGE

TORONTO JUNCTION,
by-law No. 580 (granting exemption from taxation to John McKay) confirmed 468
TORONTO, OTTAWA AND FRENCH RIVER RAILWAY COMPANY,
incorporation 679
TORONTO UNIVERSITY,
see UNIVERSITY 93, 96, 97
TOWNS IN TERRITORIAL DISTRICTS,
elections for 1905 validated notwithstanding non-filing of declarations 79
qualification of voters at first election 79
TRADING STAMPS,
by-laws for prohibiting,—execptions from 68
TRAVELLING SHOWS,
provincial license fee. 85
TREASURY BILLS,
authorizing to raise provincial loans by issue of 8
TRINITY CHURCH, CORNWALL,
rector and churchwardens authorized to mortgage certain lands 761
TRUSTEES FOR BURIAL GROUNDS,
powers as to rules and regulations 60

U

UNION STOCK YARDS COMPANY, LIMITED,
by-law No. 580 of Toronto Junction granting exemption to John McKay confirmed 468
UNITED NICKEL COMPANY OF CANADA,
incorporation 755
taking over power, etc., of Huronian Company, Limited 756
UNIVERSITY RESIDENCE TRUSTEES,
incorporation 93
UNIVERSITY OF TORONTO,
setting apart wild lands of the Crown for 96, 99
Government may contract to pay $30,000 per annum 98
raising money on certificates for Provincial grant 98
application of funds in re-organizing hospital 98
grant to convocation hall 99
purchasing site for new hospital 99
investment—of funds 100
aid from City of Toronto 100
UNORGANIZED TERRITORY,
see ALGOMA LAND TAX 24
appeals from assessment in 77
certain town elections for 1905 validated notwithstanding non-filing of declarations 79
UPPER CANADA RELIGIOUS TRACT AND BOOK SOCIETY,
authorized to carry on work among sailors 793

V

VICTORIA LAKE, LIMITED,
agreement with City of Stratford confirmed 436
VOLUNTEERS' LAND GRANT,
time within which claims to be filed 26
power of attorney when to act as assignment of rights of locatee 26
effect of not filing 27
heretofore given,—when to be filed 27
agreement for sale,—effect of on settlement duties, etc. 27
certificates may be accepted as land scrip 27
applications for lands in townships set apart for Ontario Veterans' Land Company 27

W

WALKER STEEL RANGE COMPANY, LIMITED,
by-law No. 201 and agreement with Village of Grimsby confirmed..... 218
WALKERVILLE, TOWN OF,
by-law No. 273 Ontario Traction Company confirmed 714

PAGE

WALLACEBURG SEPARATE SCHOOLS,
by-law of trustees for borrowing $7,000 for a new school building confirmed 491
WATER COMPANIES,
councils may lease or purchase works from company 57
WATER PRIVILEGES,
judge to determine height to which water may be raised 47
WATER WORKS,
debts for purchase of, may be payable in annual instalments 68
WESTERN CENTRAL RAILWAY COMPANY,
incorporation 698
WHITBY, TOWN OF,
agreement with Farmers' Co-Operative Harvesting Machine Co., and bonus by-law confirmed 495
by-law in aid of Keystone Sugar Company confirmed 497
WINDSOR, CITY OF,
construction of permanent pavements as local improvements 506
certain local improvement by-laws confirmed 509
by-law No. 1121 of Ontario Traction Company, Limited, confirmed ... 714
WINDSOR, ESSEX AND LAKE SHORE RAPID RAILWAY COMPANY,
extension of railway from Essex to Tilbury 708
first general meeting—when to be held 709
crossing other lines on the level 709
freight service on highways 710
exclusive rights as to power transmission not to be granted 710
time for commmencement and completion 710
use of right of way for transmission of electrical power by Government 710
WINDSOR GAS COMPANY, LIMITED,
authorized to supply gas to Town of Sandwich 759
limit of borrowing powers 760
bond issue for $200,000 confirmed 760
WINDSOR AND TECUMSEH ELECTRIC RAILWAY COMPANY,
extension from present terminus to Walkerville or Windsor and to Chatham 712
freight traffic on highways 713
use of right of way for transmission of electrical power by Government 714
by-laws of Windsor, Walkerville and Township of Sandwich confirmed 715
agreements with Ontario Traction Company, Limited 715
WOMEN'S CHRISTIAN ASSOCIATION OF BELLEVILLE,
authorized to mortgage certain lands 777
WOODSTOCK, CITY OF,
authorized to issue debentures to $7,000 in each year for 10 years in aid of rates 511
authorized to issue debentures for $60,000 for new city hall 512
WORKMEN,
by-laws requiring builders, etc., to provide conveniences for 67

Y

YARMOUTH, TOWNSHIP OF,
agreement with County of Elgin as to London and Port Stanley toll road confirmed 186
YONGE, FRONT OF, TOWNSHIP OF,
Township of Front of Yonge and Escott divided 202
YOUNG MEN'S CHRISTIAN ASSOCIATION OF ORILLIA,
incorporation confirmed 787
exemption from taxation 788
YOUNG MEN'S CHRISTIAN ASSOCIATION, STRATFORD,
incorporation confirmed 790
exemption from taxation 791
YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF LONDON,
incorporation 779
exemption from taxation 781

Statutes
Ont

Ontario. Laws 12465
Statutes ...
1905

DATE.	N

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